THE UNSPOKEN TRUTH: ENFORCED DISAPPEAR-ANCES

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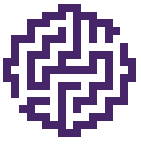

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“It is true that totalitarian domination tried to establish these holes of oblivion into which all deeds, good and evil, would disappear, but just as the Nazis’ feverish attempts, from June, 1942, on, to erase all traces of the massacres - through cremation, through burning in open pits, through the use of explosives and flame-throwers and bone-crushing machinery - were doomed to failure, so all efforts to let their opponents “disappear in silent anonymity” were in vain. The holes of oblivion do not exist. Nothing human is that perfect, and there are simply too many people in the world to make oblivion possible. One man will always be left alive to tell the story. Hence, nothing can ever be “practically useless,” at least, not in the long run.

(...) For the lesson of such stories is simple and within everybody's grasp. Politically speaking, it is that under conditions of terror most people will comply but some people will not, just as the lesson of the countries to which the Final Solution was proposed is that "it could happen" in most places but it did not happen everywhere. Humanly speaking, no more is required, and no more can reasonably be asked, for this planet to remain a place fit for human habitation."

Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, p.109

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INTRODUCTION

Truth Justice Memory Center [Hakikat Adalet Hafiza Merkezi] was established in order to bring to light the human rights violations that have occurred during periods of conflict and authoritarian rule, and from the perspective of transitional justice, to contribute to a redressal of these violations. In order to redress the past, we believe that systemic and systematic human rights violations must be documented according to international standards. Suppressed alternative narratives in the areas where these violations have taken place must be gathered and transmitted to various parts of society, and groups that have suffered these violations must be assured access to justice. A redressal of the past can only take place when human rights violations are brought to light, when the perpetrators are tried, and when the damage caused by such violations are compensated for through restorative justice mechanisms.

Within the scope of this approach, we decided to begin with a concrete type of human rights violation. In this way we identified enforced disappearances as our field of study. In the work we carried out with the Documentation, Law and Outreach groups, we met with and interviewed relatives of the disappeared, lawyers, representatives of civil society organizations, human rights defenders, and members of bar associations. We sought to understand the emergence of, and the forms in which, the mechanisms and patterns of the phenomena of enforced disappearance occur. Another equally important aspect of our study was the effort to comprehend the experiences of the relatives of the disappeared. The processes undergone and the experiences lived by these relatives is the most fundamental issue this report attempts to address.

One of the most basic requirements for a redressal of the past and a restoration of justice is the reconstruction of social memory that contains all systemic human rights violations. Therefore, the work towards documentation and the formation of an archive must also be seen as an effort to enter into circulation the narratives of relatives of the disappeared whose voices have not been heard for a long time, which has lead to the expansion of their pain, and to disseminate these narratives to broader social spheres.

This report is an effort to grasp the legal, political, and social mechanisms through which the strategy of enforced disappearance is implemented. The report also tackles the mechanisms and practices through which society's silence and indifference towards this continuing issue have been formed. Yet another significant focus of the report is the process and experiences the relatives of the disappeared go through before and after the enforced disappearance, and the meaning they attribute to them. The experiences of the relatives of the disappeared within the scope of the strategy of enforced disappearance also tell us important things about the state, justice, and citizenship in Turkey. This report was written in order to aid in the broad dissemination of this information into society. It is our sincere wish that it succeeds in doing so.

I.

ENFORCED DISAPPEARANCE: DEFINITION AND INTERNATIONAL FRAMEWORK

The crime known by the terms *enforced disappearance* or *enforced or involuntary disappearance* in international literature, is generally referred to in Turkey as 'kayıp' (lit. 'missing') or 'gözaltında kayıp' (lit. 'missing under custody'). Various reasons for this difference in terminology may be considered: In Turkey, those who were disappeared were often taken into custody from their homes, workplaces or public spaces, in the presence of witnesses, by public officials who clearly stated that they were being taken into custody.[1] Even in cases when the disappeared person was taken by people whose outward appearance did not immediately identify them as public officials, in other words, by persons in civilian dress, it was often clearly explained they were "being taken to the Military / Gendarmerie Station to have their statement taken", reinforces the widespread use of the term 'missing under custody'. For all these reasons, in the example of Turkey, we observe that for a long period the terms 'missing' or 'missing under custody' were used both by relatives of the disappeared and the human rights organizations working in this field.[2]

Enforced disappearance, on the other hand, is a much more appropriate term for this deed for a number of reasons: it refers to the use of force; it makes it clear that the enforced disappearance does not only happen by being taken officially into custody'; and because it differentiates this phenomenon from other forms of disappearance. According to the United Nations' International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED) the term 'enforced disappearance' expresses "(...) the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by the concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."[3] The convention defines not only the acts of 'agents of the State' but also that of 'persons or groups of persons acting with the authorization, support or acquiescence of the State' as enforced disappearance. In view of the fact that such acts are frequently carried out by paramilitary forces, or agents of the counter-guerrilla apparatus, it becomes clear how functional such a broad definition is. Another organic part of the definition is the refusal of the perpetrators to acknowledge their deed, or their concealment of the fate or whereabouts of the disappeared person, an aspect we could call a typical constituent of enforced disappearances. This can take place by a refusal to provide information, or by providing wrong information.

The first known implementation of the use of the strategy of enforced disappearance is the Night and Fog Directive (Nacht und Nebel Erlass) put into force in 1941 by the Nazi Regime. According to this policy, all activists and resistance fighters who lived in the occupied territories, and especially in France, Belgium and Holland, were arrested in night operations and transported to Germany, where they were tried at special courts and sentenced to death or imprisonment. Although the exact figure is not known to this day, it is estimated that around 5,200 people were disappeared and destroyed by this directive. Hence, this first systematic implementation in which people were abducted in the darkness of night, and no information regarding their fate was ever revealed, was given a name befitting of the technique. "According to this technique, the trial and execution of the disappeared were carried out in complete secrecy, and no

1 Alpkaya, G. "Kayıplar Sorunu ve Türkiye (The Issue of the Disappeared and Turkey)". 1995: 40-41. http://www.politics.ankara.edu.tr/dergi/pdf/50/3/8_gokcen_alpkaya.pdf

2 This has changed in recent years, leading human rights organizations, the Human Rights Association (İnsan Hakları Derneği - İHD) and the Human Rights Foundation of Turkey (Türkiye İnsan Hakları Vakfı - TİHV) foremost among them, now use the term 'enforced disappearance'.

3 United Nations' International Convention for the Protection of All Persons from Enforced Disappearance. Entered into force on 23 December 2010. http://www.ihop.org.tr/index.php?option=com_content&view=article&id=404:buetuen-kiilerin-zorla-kaybedilmeden-korunmasna-dair-uluslararas-soezleme&catid=33:ceviriler&Itemid=114

information was sent on in any way to their families and relatives in their native countries. The aim of this course of action was to arouse widespread fear and panic in the relatives of the disappeared person and the public in order to prevent acts of resistance."[4]

In South American countries, whose post-1960s histories are littered with military coup d'états, ethnic conflicts and civil wars, the strategy of enforced disappearance was implemented systematically in order to pacify dissidents. Diverse sections of society, such as workers, villagers, students and trade unionists, who formed organizations in search of social justice and emerged as political entities in these South American countries after the 1960s, were designated as 'internal enemies' by their ruling power, and subjected to the strategy of enforced disappearance. In Brazil, Uruguay, Chile, Peru, Guatemala and Argentina, the post-coup militarist governments or various state institutions in conflict environments frequently resorted to this strategy when dealing with diverse social groups and categories of 'internal enemies'.[5] Particularly the case of the disappeared of Argentina, known as the desaparecidos, is today referred to as one of the worst policies of mass murder in post-coup periods. Out of an estimated 30 thousand people, the majority of whom were given sedative drugs and thrown out of airplanes into the ocean, the names of only 8,960 people have been determined, according to data supplied by the National Commission on the Disappearance of Persons (CONADEP). El Salvador, Colombia, Ecuador and Honduras are other Latin American countries where this strategy was implemented.[6]

The practice of enforced disappearance has shown an increase since the 1980s and spread across many regions of the world. According to the annual reports of the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID), enforced disappearance has become a systematic method of oppression used against separatist and dissident forces in regions where internal conflicts and civil war is rife. "According to statistics for the period 1980-2010, in countries with the highest number of incidences of enforced disappearances and where the practice has at times reached mass levels such as Sri Lanka, Philippines, Peru, Nepal, Iraq, Iran, Guatemala, El Salvador, Chile, Argentina and Algeria, the vast majority of cases have not been resolved."[7] It is also clear how suitable a platform the post-9/11 'war on terror' policy provides for the emergence of new enforced disappearance cases. "According to Amnesty International and Human Rights Watch reports, the fate of 39 detainees held by the United States of America is unclear. In 2007, 6 human rights organizations published a joint report listing the names of the disappeared detainees who are citizens of Egypt, Kenya, Libya, Morocco, Pakistan and Spain."[8]

The definition of enforced disappearance, and understanding how it is carried out in various countries across the world forms an important departure point in understanding the enforced disappearance strategy carried out in Turkey. The definition of enforced disappearance makes it clear that the acquiescence of the state alone is adequate reason to hold it accountable for the disappearance. Practices such as failure to provide information after the disappearance

4 Dinçer, H. "Kayıpları Görünür Kılmak: Birleşmiş Milletler Zorla Kaybedilmeye Karşı Herkesin Korunmasına Dair Sözleşme (Rendering the Disappeared Visible: United Nations' International Convention for the Protection of All Persons from Enforced Disappearance)" 2011:2. http://www.hakikatadalethafiza.org/Cust/UserFiles/Documents/Editor/H%C3%BClyaDin%C3%A7er_Kay%C4%B1plar%C4%B1G%C3%B6r%C3%BCn%C3%BCrK%C4%B1lmak.pdf

5 Vermeulen, *M.L. Enforced Disappearance, Determining State Responsibility under the International Convention for the Protection of all Persons from Enforced Disappearance.* 2012:8.

6 United Nations General Assembly (2011), *Report of the Working Group on Enforced or Involuntary Disappearances.* http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.48_en.pdf

7 Dinçer, H. 2011:4.

8 Dinçer, H. 2011:5.

or denial are also highly significant in showing that the state is involved in the realization of the action. The strategy of enforced disappearance, as in many other rights violations, is a method developed by states by following each other's examples. Therefore, in the same way that these strategies have been developed in several regions across the world, and used by many different states, the methods of resistance and struggle against them must also be as international as possible, and lessons must be learned from past experiences in other countries. The collaboration between Las Madres de Plaza de Mayo, the organization established by relatives of the disappeared in Argentina and Cumartesi Anneleri/İnsanları, the group established by relatives of the disappeared in Turkey could be perceived as the first example of such acts of solidarity. However, the definition of the practice, and international examples are not sufficient to fully understand the enforced disappearance practices in Turkey. Therefore, in order to gain an understanding of these strategies of enforced disappearance, it is essential to examine the 1990s, beginning with the military coup d'etat of 12 September 1980 –a period when enforced disappearances were carried out as a widespread practice.

II.

BACKGROUND

In order to understand how enforced disappearances began in Turkey, how they became a systematic policy and what tactics have been used to implement this state strategy, it is necessary to take a brief look at Turkey's recent history. As Truth Justice Memory Center, we have taken the military coup d'état of 12 September 1980 as the departure point of our study. It was not after the military coup d'état of 12 September 1980 that enforced disappearances were used as a policy for the first time. In the context of the Armenian genocide, we could go as far back as 24 April 1915, when 234 Armenian intellectuals and notables were forcibly disappeared.[9] In the same manner, in the early Republican period, the state continued to carry out its enforced disappearance policy against dissidents in singular cases, the most famous of which is the case of the author and journalist Sabahattin Ali. However, since it would have been impossible for this study to cover such a long period within a year, and as explained in the methodology section, we determined the cases of enforced disappearances that took place after 12 September 1980 as our field of study. In particular, the effort to understand how enforced disappearances were systematically carried out in the State of Emergency (Olağanüstü Hal – OHAL) region throughout the 90s was one of the fundamental departure points of this study.

In order to understand how it became possible to carry out, in both a widespread and systematic manner, enforced disappearances in the OHAL region in the aftermath of the September 12 military coup d'état and throughout the 90s, it is necessary to understand the specific historical and political momentum of Turkey in the 1990s. To recall the 'balance sheet' of the September 12 military coup d'état with some figures and significant events: The Grand National Assembly of Turkey was closed down; the constitution was abolished; political parties were closed down and their properties were confiscated; 650,000 people were detained; secret intelligence files were kept by the police on 1,683,000 people; 230,000 people were tried; the death penalty was demanded for 7,000 people; 517 people were sentenced to the death penalty; 50 of these sentences were carried out; 14,000 people were deprived of citizenship rights; 171 people were documented to have been killed by torture; a total of 299 people died in prisons and the activities of 23,677 associations were brought to a halt.[10] The coup's damage was far beyond what figures might tell us: the institutionalization via the new constitution of militarism and military tutelage, the crushing and oppression of democratic opposition, the consolidation of a political approach based on the permanent control of society by the state, and the establishment and totalitarianization of a centrist and monist political structure based on Turkish nationalism, and as an outcome of the motto "The Turk has no friend but the Turk", a suffocating and increasingly provincialized political climate.[11]

From the early 1980s on, the ethno-political issue that would go on to shape the last 30 years of Turkey which we refer to as the Kurdish issue today appeared on the historical stage: On 15 August 1984, the Kurdistan Workers' Party (Partiya Karkerên Kurdistan - PKK) declared its military existence with the Eruh and Şemdinli attacks. During this first period, it would not be wrong to state that the PKK phenomenon and complex political and social manifestations of the Kurdish issue were issues various

9 The Armenian genocide, and the political, social, economic and ethical consideration of the genocide stand as a highly significant, broad field for memory studies, and studies that relate to confronting and redressing the past. A highly significant academic body of work exists on these topics. For a more detailed discussion of the topic in Turkish, see Fuat Dündar, *Modern Türkiye'nin Şifresi (The Code of Modern Turkey)*, İletişim Yayınları, İstanbul, 2010; Taner Akçam, Ümit Kurt, Kanunların Ruhu (The Spirit of the Laws), İletişim Yayınları, İstanbul, 2012 and Raymond H. Kevorkian, Paul B. Papoudjian, *1915 Öncesinde Osmanlı İmparatorluğu'nda Ermeniler* (Armenians in the Ottoman Empire before 1915), Aras Yayınları, İstanbul, 2012.

10 "Rakamlarla 12 Eylül Darbesi (The September 12 Coup in Numbers)", *Ntvmsnbc*, 04 April 2012. http://www.ntvmsnbc.com/id/24999286/

11 Belge, M. *Türkiye Dünyanın Neresinde? (Where in the World is Turkey?)*, 1997:113.

institutions of the state were not quite aware of, or did not take very seriously. Official discourse was based on demeaning the PKK, and making clashes with the PKK appear less significant than they were: The PKK was often described as 'a few thugs' or 'a handful of bandits' and statements claimed that 'its head would be crushed soon'. Hasan Cemal, a prominent author and journalist, remembers that a high-ranking military officer complained to him in the 90s that this delusive perception of the PKK as 'a handful of bandits' was prevalent in the army.[12]

By the late 1980s and the early 1990s it had become increasingly clear that it was not possible to treat the issue as some clashes with 'a handful of bandits'. The voicing in the legal political field of theses in line with the PKK's views by Kurdish intellectuals and notable figures of the Kurdish public; the foundation in 1990 of People's Labor Party (Halkın Emek Partisi - HEP) under the leadership of Fehmi Işıklar and by 10 members of parliament that left the Social Democrat Populist Party (Sosyal Demokrat Halkçı Parti - SHP) and its entry into the political arena with demands such as the rights for education and publishing in Kurdish and a democratic environment where the Kurdish issue could be discussed freely; and ultimately, the mass support the guerrilla had changed the panorama considerably. Besides, armed conflict continued at a level of violence and breadth far beyond what had been expected at first. The 'handful of bandits' approach was gradually abandoned by governments, the army, and the intelligence organizations, and replaced by a search for new warfare strategies.

It is necessary to underline two significant implementations and transformations at this precise junction: The first is the implementation of a 'State of Emergency' (Olağanüstü Hal - OHAL), and the second is the military, political and administrative transformation in line with the new 'enemy' concept. A state of emergency was initially declared in 8 provinces on the basis of articles 119-121 of the 1982 Constitution, and decree number 84/7781 and dated 01.03.1984 of the Cabinet. The region that would be known as the OHAL region throughout the 90s was under martial law at the time. On 19 July 1987, martial law was lifted in the Diyarbakır, Hakkari, Siirt and Van provinces, and the OHAL Regional Governorship was formed. It was initially implemented in eight provinces: Bingöl, Diyarbakır, Elazığ, Hakkari, Mardin, Siirt, Tunceli and Van. Later, the Adıyaman, Bitlis and Muş provinces were included within its scope as neighboring provinces. When Batman and Şırnak were elevated to the status of provinces in 1990, the number reached 13. Bitlis's status was changed from neighboring province to state of emergency province in 1994. The state of emergency, or martial law, remained in force in some provinces for 23 uninterrupted years as the administrative structure, and was extended every 4 months for a total of 46 times.[13] Within the scope of this legal framework, the State of Emergency Regional Governorship was given extremely broad powers. These powers included the evacuation of certain settlements, the prohibition of settlement, the restriction of entry to and exit from certain settlements, the suspension of education at all levels, the restriction or suspension of entry and exit of all food stuffs and animal fodder in the region, the right to use all means and tools of communication within the borders of the region, and to confiscate them if deemed necessary. Besides, via a series of decree laws specifically issued for the State of Emergency Regional Governorship, the status and practices of this institution were taken completely outside the sphere of law. In chronological order, Hayri Kozakçıoğlu (1987-1991), Mehmet Necati Çetinkaya (1991-1992), Ünal Erkan (1992-1996), Necati Bilican (1996-1998), Aydın Arslan (1998-1999) and Gökhan Aydıner (1999-2002) served as State of Emergency Regional Governors. The state of emergency was last extended

12 Cemal, H. *Kürtler (The Kurds)*, 2003:77.

13 "23 yıl sonra resmen 'olağan hal'" (After 23 years, officially, 'a state of non-emergency'), *Hürriyet*, 30 November 2002. http://hurarsiv.hurriyet.com.tr/goster/ShowNew.aspx?id=112742

until 30.11.2002 in the Diyarbakır and Şırnak provinces, and then discontinued.[14]

The second important implementation was the construction of a new 'enemy' concept and the realization of a suitable military, political and administrative transformation. By the 90s, the tendency was to accept that it was not possible for the army to prevail over guerrilla forces using conventional methods of warfare, and that therefore it was necessary to implement an integrated restructuring strategy in line with principles of 'irregular warfare'. In line with this new approach, instead of the First Army Command in Istanbul, from 1993 on, the Second Army Command based in Malatya was reinforced. The Turkish Armed Forces were restructured according to the 'low-intensity warfare' concept and in 1993, the Special Warfare Department was renamed the Special Forces Command. Again in line with the low intensity warfare strategy, in order to increase speed and mobility in the war against the guerrilla forces, the structure based on military divisions was changed, and a new structure based around corps-brigade-battalion was introduced.[15]

Another aspect of this transformation was an increase in the number of recruitments to the institution of temporary village guards founded in 1985, and the constant expansion of the areas of action of village guards throughout the 90s. The temporary village guard system was put into effect on 26 March 1985, with a change made to Article 75 of the Village Law no.442 with Law no.3175. In addition to temporary village guards who received a regular salary from the state, the voluntary village guards recruited in the region on the basis of the Village Law, began to assume a more active role in time. Voluntary village guards, like temporary village guards, were armed by the state and ascribed duty in the struggle against the PKK. However, in contrast to the temporary village guards, who were recruited according to a Cabinet decree, the voluntary village guards were recruited by the decision of regional civilian administrative officers, and they were exempt from the inspection of the central government. An application to the district governor stating concerns over security, and a clean personal criminal record were required to become a voluntary village guard. Thus, the district governor could appoint a person as a voluntary village guard by seeking the approval of the gendarmerie.[16] Throughout the 90s, the number of village guards was both systematically increased, and their field of duty was given a more flexible and broad definition. It became widespread practice for village guards to take part in military operations, serve as pathfinders for the army including cross-border operations and become part of operations carried out in their own zones.[17] The distribution of temporary village guards by province as of 20 June 2003 was as below:

14 Tanrıkulu, S., Yavuz, S. "İnsan Hakları Açısından Olağanüstü Hal'in Bilançosu (The Balance Sheet of the Emergency State from a Human Rights Viewpoint)", 2005: 493-521. For a more comprehensive discussion of this topic, see Kemal Gözler, *Kanun Hükmünde Kararnamelerin Hukuki Rejimi (The Legal Regime of Decree Laws)*, Ekin Kitabevi Yayınları, Bursa, 2000; Mehmet Semih Gemalmaz, *Olağanüstü Rejim Standartları (Emergency Regime Standards)*, Beta Basım Yayım, İstanbul, 1994.

15 Balta Paker, E. "Dış Tehditten İç Tehdide: Türkiye'de Doksanlarda Ulusal Güvenliğin Yeniden İnşası (From External Threat to Internal Threat: The Reconstruction of National Security in Turkey in the 90s)", 2010: 413-414.

16 Balta Paker, E., Akça, İ. "Askerler, Köylüler ve Paramiliter Güçler: Türkiye'de Köy Koruculuğu Sistemi (Soldiers, Villagers and Paramilitary Forces: The Village Guard System in Turkey", 2013:13-14.

17 Balta Paker, E., Akça, İ. 2013:16.

DISTRIBUTION OF TEMPORARY VILLAGE GUARDS BY PROVINCE[18]

Diyarbakır	5.274
Şırnak	6.835
Batman	2.943
Bingöl	2.533
Bitlis	3.796
Mardin	3.360
Muş	1.918
Siirt	4.680
Van	7.365
Hakkari	7.643
Tunceli	386
Adıyaman	1.510
Ağrı	1.881
Ardahan	96
Elazığ	2.115
Gaziantep	565
Iğdır	374
Kahramanmaraş	2.267
Kars	578
Kilis	34
Malatya	1.392
Şanlıurfa	966
Total	**58.511**

The distribution of voluntary village guards by province as of December 2003 is as below:

DISTRIBUTION OF VOLUNTARY VILLAGE GUARDS BY OHAL PROVINCE[19]

Diyarbakır	1.141
Şırnak	2.330
Batman	1.019
Bingöl	69
Bitlis	2.984
Mardin	1.226
Muş	2.375
Siirt	460
Van	189
Hakkari	5
Tunceli	89
Elazığ	392
Total	**12.279**

Viewed as a whole, this entire structural transformation actually displays the post-Cold War transition of armed forces from a perception of external threats to a perception of internal threats. Having understood that they were facing not 'a handful of bandits' but a powerful guerrilla movement, the various institutions of the state tried to come up with strategies that could respond. The critical aspect here is the fact that this new internal enemy fought using guerrilla tactics and constantly increased its mass support, and the state had difficulty determining who supported the guerrilla. Therefore, it was of fundamental importance to determine which citizens supported the guerrilla movement, and which of them supported the state. Both the implementation of village guardsmanship and other irregular warfare techniques were in essence, policies designed to separate 'loyal

18 The chart is from Dilek Kurban's article, see Kurban, D. "Bir 'Güvenlik' Politikası Olarak Koruculuk Sistemi" (The Village Guard System as a 'Security' Policy), 2009:255.

19 The chart is from Dilek Kurban's article, see Kurban, D. 2009:256.

citizens' from the others, deemed to be the most critical issue in an environment of inner conflict.[20]

During the period of low-intensity warfare, not only the official structure of the Turkish Armed Forces, but also that of many other state institutions was shaped by the ongoing conflict, restructuring took place and a series of new and different practices were introduced. From 1993 on, the team of the Prime Minister Tansu Çiller and Chief of General Staff Doğan Güreş introduced a special security strategy around the concept of 'Territorial Dominance and the Expulsion of the PKK from the Region'. This security strategy meant, first and foremost, the severance of support provided to guerrilla forces by the civilian population in order to regain territorial supremacy. The visible increase in the forced evacuation of villages and other settlements, 'unsolved murders' and summary executions of civilians and the number of enforced disappearances took place after the introduction of the new strategy of territorial supremacy.[21] For instance, according to tentative data,[22] the number of enforced disappearances increased from 103 in 1993, to 518 in 1994. This huge increase displays consistency with the data on forced migration and extrajudicial, summary and arbitrary executions.[23] Especially in the period from 1993 to 1995, when Süleyman Demirel was President, Tansu Çiller was Prime Minister and Doğan Güreş and İsmail Hakkı Karadayı were successive Chiefs of General Staff, the concept of 'Territorial Dominance and the Expulsion of the PKK from the Region' was implemented along with a series of systematic, diverse and integrated human rights violations against civilians.

For quite some time it has been stated that systematic human rights violations including enforced disappearances, extrajudicial, summary and arbitrary executions and cases of death by torture were carried out by certain paramilitary/counter-guerrilla formations, which are not officially, but actually part of the state. It is no secret that these formations operate according to the 'low intensity warfare' strategy, are furnished with unlimited powers and accountable to no other institution within the state, and that their staff is protected by a shield of impunity even if they commit crimes. The Gendarmerie Intelligence and Counterterrorism Unit, known as JİTEM, the existence of which has almost never been accepted by the state, occupies the centre of the accounts of the few informants, and those of even fewer army members, who have spoken about the issue. According to Major Cem Ersever, one of the few army members who did speak out, and whose dead body, his hands tied at the front and with two bullet wounds in his head, was found on 4 November 1993 close to the exit of the Elmadağ district of Ankara 5 months after he resigned from the army, "The name JİTEM is wrong. There is no such organization. The exact name is the Gendarmerie Intelligence Group Command. JİTEM stands for 'Gendarmerie Intelligence and Counterterrorism'. There is no such organization. There has never been such an organization."[24] In contrast to Ersever, Colonel Arif Doğan, who also served many years in the region, states that JİTEM did exist, that he founded it, and that he dissolved it in 1990.[25] Hakan Yüksel, the Public Prosecutor tasked with investigating terror and organized crimes, launched a judicial inquiry upon Arif Doğan's

20 Balta Paker, E. 2010:422.

21 Üstel, F. *Zorunlu İç Göç Sonrası Köye Dönüş (Return to the Village in the Aftermath of Forced Internal Migration)*, 2004:4.

22 As Truth Justice Memory Center, we formed lists on the number of enforced disappearances based on the publications of human rights organizations and independent researchers. However, since all the names on these lists have not been verified and the list is not yet comprehensive, we use the expression "tentative" when we refer to this list. For detailed information on this topic, please see the sections *Enforced Disappearances in Turkey: A General View and Research Topic and Methodology.*

23 The terms *extrajudicial, summary and arbitrary executions* are often appropriated by the public as 'yargısız infaz' (execution without trial), and are also often used in this manner by human rights organizations.

24 Yalçın, S. *Binbaşı Cem Ersever'in İtirafları (The Confessions of Lieutenant Cem Ersever),* 2003:90.

25 Doğan, A. *JİTEM'i Ben Kurdum (I Founded JİTEM),* 2011:56.

statements, and wrote to the Ministry of the Interior, the General Staff, the Gendarmerie General Command, the Undersecretariat of the National Intelligence Organization and the Security General Directorate, asking whether an "entity named JİTEM existed". The responses he received accepted the existence of JİTEM, and stated that it was "a formation that carried out operations within the scope of the struggle against terrorism". On the other hand, the response from the Gendarmerie General Command stated that JİTEM had been dissolved in 1990. Perhaps the most interesting part of the responses that Hakan Yüksel received was the data about how JİTEM was founded. According to this, "it has been determined that the entity named JİTEM was founded upon the initiative of the Gendarmerie General Command without seeking approval from the Ministry of the Interior, or the opinion of the General Staff."[26]

The confessions of Ersever who always used the term JİT (Gendarmerie Intelligence Organization) rather than JİTEM, focused especially on the Gendarmerie Intelligence Group Command, and its group commands in the OHAL region. According to Ersever, mixed teams formed of informants, village guards, civilian elements of the gendarmerie intelligence and army members, abducted people claimed to have links to the PKK, or claimed to be militia, murdered them by torturing them, and carried out assassinations. The region had been divided into three groups; the first group was the Diyarbakır, Bitlis, Bingöl, Elazığ, Tunceli axis; the second group was the Şırnak, Cizre, Uludere, Şenoba axis; and the third group was the Nusaybin, Midyat, Mardin and Kızıltepe axis. According to Ersever, the most influential village guards in the second group from the late 80s till the early 90s were the Babatlar tribe, and the tribe's head Hazım Babat. "The Babatlar tribe was in charge of the second region. They are the triggermen of all the unsolved incidents in that region. Tribeshead Hazım Babat is also the head of the village guards. They kill people without hesitation to curry favor in the eyes of the state."[27] Another interesting aspect of Ersever's confessions is what he has to say about the role of PKK informants. According to Ersever, the most important problem of the Turkish Armed Forces is its lack of knowledge both regarding the Kurdish issue, and the OHAL region and the Kurdish community. Informants fulfill a very important function as 'local and internal' sources that dispel this deficiency. There are two groups of informants: those used by the police forces, and those used by the gendarmerie, and they take part in operations alongside the security forces, show them spots and share their internal knowledge of the PKK. Although they often have pending sentences, informants are often not kept in prison, are released to live freely, and take part in operations.[28]

Putting the debate over the exact name of this organization aside, it is a known fact that certain mixed groups both within the gendarmerie and the police forces formed of village guards, informants and security forces, carried out systematic human rights violations including murder without facing any legal barrier, that they were protected by a perfect shield of impunity, and that they operated lawlessly in the OHAL region especially when it came to 'those who were suspected of supporting the PKK'. Many military officers, informants and village guards, often in connection with the Gendarmerie Intelligence Command are accused of involvement in, organization of or overlooking such activities. Some members of this team are being tried within the scope of the Balyoz and Ergenekon cases, some have deceased, and some have never been tried. The team reportedly includes Cem Ersever, Veli Küçük, Mahmut Yıldırım (known by the code name Yeşil), Arif Doğan, Cemal Temizöz, Cahit Aydın, Eşref Bitlis, Mete Sayar, Necati Özgen, Hulusi Sayın and

26 "Ve devlet JİTEM'i resmen kabul etti" (And finally the state officially accepts the existence of JİTEM), *Radikal*, 09 July 2011. http://www.radikal.com.tr/radikal.aspx?aType=RadikalDetayV3&ArticleID=1055684&CategoryID=77

27 Yalçın, S. 2003:136.

28 Yalçın, S. 2003:94-97.

Hasan Kundakçı.[29] The most striking common trait of the military personnel is that all have at one point during their careers served in the current Turkish Republic of Northern Cyprus.

Another clandestine warfare organization used, trained and in fact, allegedly founded by the state was Hizbullah. The name Hizbullah was mentioned in the context of many abduction, torture and murder cases and executions carried out particularly in the OHAL region. The report, known as the Susurluk Report, dated 3 April 1997, and prepared by the Grand National Assembly of Turkey's Parliamentary Inquiry Commission, states that the Hizbullah received political and military training from military units in Batman.[30] In his statement on 17 January 2011 within the scope of the Ergenekon case, Colonel Arif Doğan, who claims to have founded JİTEM, states that he founded the Hizbullah under the title Hizbul-Kontr (The Party of the Contras) to fight the PKK.[31]

As all these transformation and restructuring policies were being implemented, the number of 'unsolved murders' especially in the OHAL region suddenly increased, and a serious climate of violence began to prevail in the region. Many Kurdish politicians, journalists, writers and rights' defenders, perceived as political leaders in the eyes of society, were murdered during the first half of the 90s. This 'destabilized' environment was formed by typical counter-guerrilla methods, and in turn, allowed counter-guerrilla structures to operate much more comfortably. On 5 July 1991, Vedat Aydın, the Diyarbakır Provincial Director of People's Labor Party (Halkın Emek Partisi - HEP) was detained by men carrying handheld radio transceivers claiming to be from the Police Department, and on 7 July his tortured lifeless body was found in the vicinity of Maden, on the Diyarbakır-Elazığ motorway roadside. Fire was opened on his funeral procession in which tens of thousands of people took part; 7 people died and hundreds were injured; HEP directors and members of parliament including Ahmet Türk and Fehmi Işıklar were beaten with planks.[32] On 20 September 1992, Musa Anter was killed in an armed attack that took place in the Seyrantepe neighborhood of Diyarbakır. Abdülkadir Aygan, a JİTEM operative during that period, states that a team he was part of murdered Anter.[33] Mehmet Sincar, a founder of HEP and a member of parliament for the Democracy Party (DEP) that was founded in place of HEP when it was closed, lost his life in an armed attack in Batman, where he had travelled to investigate unsolved murders. Sincar was walking in the street when fire was opened from the back, and he was killed due to bullet wounds to his neck and head. DEP

29 Kılıç, E. *JİTEM Türkiye'nin Faili Meçhul Tarihi (JİTEM – The History of Unsolved Executions in Turkey),* 2011:43.

30 Parliamentary inquiry proposal presented by Ankara member of parliament Eşref Erdem and his 23 friends, Batman member of parliament Ataullah Hamidi and his 22 friends, İçel member of parliament Oya Araslı and her 20 friends, Istanbul member of parliament Halit Dumankaya and his 23 friends and Istanbul member of parliament Mehmet Cevdet Selvi and his 21 friends in accordance with article 98 of the constitution, and articles 104 and 105 of internal parliamentary regulations for the clarification of the ties of illegal organizations with the state and the Susurluk accident and the relationships in its background exposed by the accident, and the parliamentary inquiry commission report no.S (10/89,110,124,125 and 126), 3 April 1997, p. 358. http://www.tbmm.gov.tr/sirasayi/donem20/yil01/ss301.pdf

31 Benjamin Harvey, "Turkey Officer Says He Created Local Hezbollah Group, Star Says", *Bloomberg,* 18 January 2011, http://www.bloomberg.com/news/2011-01-18/turkey-officer-says-he-created-local-hezbollah-group-star-says.html

32 Kılıç, E. 2011:89-95. In their statements, informant Mehmet Demir and informant Abdülkadir Aygan stated that the murder of Vedat Aydın was carried out by the Cem Ersever team. This is how Mehmet Kılıç recounted the murder of Vedat Aydın: "İsmail Yediyıldız, the Diyarbakır Regiment Commander of the time, told Cem Ersever and us, 'Friends, we will take Vedat Aydın in and interrogate him'. That is when I realized he was to be murdered. They selected some friends from the Special Forces for this task. (...) They even filmed the interrogation. The physical torture continued till the morning, but he did not surrender a single piece of information. At 6 am, Cem Ersever came. They had brought food, they gave some to Vedat Aydın, too. But he said, 'Traitors! I won't eat your food'. They continued to torture him, till the evening. When they finally realized he wouldn't talk, it was around midnight, the same team took Vedat Aydın to the Maden area. We went there in two cars. Vedat Aydın was in the car in the front. We stopped somewhere. They took Vedat Aydın and executed him under a bridge. It was Hasan Adak who pulled the trigger." E. 2011:95.

33 "Babamın katiliyle buluşmaya nasıl karar verdim?" ('How I decided to meet my father's murderer'), *Hürriyet,* 21 January 2006. http://www.hurriyet.com.tr/pazar/3825189.asp

Batman Provincial Administrative Board member Metin Özdemir lost his life in the same attack as Sincar. The Human Rights Association Elazığ Branch Director lawyer Metin Can and doctor Hasan Kaya were kidnapped in the evening of 21 February 1993. Their families and relatives began to search for Can and Kaya. Tens of people began a hunger strike at the Social Democrat Populist Party (Sosyal Demokrat Halkçı Parti - SHP) provincial headquarters, demanding that Can and Kaya be found. The kidnappers of Can and Kaya telephoned their families and made them listen to the sounds of torture. On 27 February 1993, a day after their shoes were found in front of the SHP provincial headquarters, both their tortured bodies were found beneath the Dinar Bridge close to Tunceli. They had both been executed with a single bullet to the head.[34] On 3 November 1993, Prime Minister Tansu Çiller, as she left a National Security Council meeting, made a statement declaring, "We are in possession of a list of 60 Kurdish businessmen who support the PKK," and on 14 January 1994, businessman Behçet Cantürk and his driver were abducted. On January 15 their tortured bodies were discovered in the Sapanca area. On 2 June 1994, Kurdish businessman Savaş Buldan, and Hacı Karay and Adnan Yıldırım who were with him at the time, were abducted; on 4 June, their tortured bodies were discovered in the Bolu area, all three of them had been murdered by a bullet to their heads. At this point, the former Gendarmerie Intelligence Groups Commander Colonel Veli Küçük had begun his new duty as Kocaeli Province Gendarmerie Commander.[35] The region was in the midst of a highly serious conflict, and the systematic use of enforced disappearances was introduced precisely during such an environment of conflict.

To summarize, the state once again began to use the method of enforced disappearance during the suffocating and fascistic climate in the aftermath of the 12 September 1980 military coup, and the number of incidents snowballed in the abovementioned political and historical momentum of the early 90s. There were certain complex formations within the state that were in competition with one another, and believed that the Kurdish issue could only be resolved with 'unflinching' methods. These formations operated with absolutely no legal accountability or supervision, and considered every method that would 'sever the mass support of the guerrilla' permissible. The militarist climate of the post-coup period facilitated their operations, and the low-intensity war further expanded their legitimacy and their radius of action. Counter-guerrilla structures, established in all NATO countries to respond to the threat of communism during the Cold War, were in most European countries partially dissolved once the Cold War ended; however, in Turkey, they were restructured and consolidated. Although the war was supposedly 'low intensity' it created a suitable climate for counter-guerrilla organizations.

34 Kılıç, E. 2011:150.

35 Kılıç, E.2011:163-169, "O MGK'da 1200 kişilik liste vardı" (A list of 1200 was presented at that National Security Council Meeting), *Radikal*, 13 December 2011. http://www.radikal.com.tr/radikal.aspx?aType=RadikalDetayV3&ArticleID=1072339&CategoryID=78

III. ENFORCED DISAPPEARANCES IN TURKEY: A GENERAL OVERVIEW

No precise and final figure has emerged for the number of people that were forcibly disappeared in Turkey since the 12 September 1980 military coup. There are various lists published by many human rights organizations and researchers, with the Human Rights Association (İnsan Hakları Derneği - İHD), the Human Rights Foundation of Turkey (Türkiye İnsan Hakları Vakfı - TİHV) and the Association of Solidarity and Assistance for the Families of Missing Persons (Yakınlarını Kaybeden Ailelerle Yardımlaşma ve Dayanışma Derneği - YAKAY-DER) first and foremost among them, which have carried out very important research in this field. However, the figures they present in their respective lists do not overlap. Besides, since there is no agreement over the criteria by which a disappeared person is defined, the problem of figures becomes much more complicated: If the body is found, is that no longer a disappeared person? As for people who were executed a few hours after they were abducted, should they be consider extrajudicial and arbitrary execution cases, or enforced disappearance cases? In general the tendency of human rights organizations is to remove the name from the list of the disappeared if the body is found.[36] This approach is highly appropriate in that it takes into consideration the aspect of ambiguity, which is a part of the enforced disappearance action, however, in our study as the Truth Justice Memory Center, we did not adopt it.

Whether the action no longer qualifies as an enforced disappearance case once the body of the disappeared person is found is debatable from a number of different viewpoints: From the viewpoint of the relatives of the disappeared, the act of disappearance has already taken place throughout the search for the body; and since the disappeared person was abducted by state forces, or in their name, even if the body is found, the way in which he or she died, in other words, his or her fate, is still unclear, and the execution is in fact realized as the enforced disappearance. Therefore, when we worked on putting together a list of the disappeared, we did not differentiate between those whose bodies have been found, and those whose bodies have not. Since there is no definitive figure for the number of the disappeared, we examined all the lists compiled by various institutions that have worked in this field, and formed a tentative list of the disappeared based on İHD and TİHV reports, the book titled Sımsıcaktı Elleri [His Hands Were So Warm] published by YAKAY-DER, the data of the Organization of Human Rights and Solidarity for Oppressed People (İnsan Hakları ve Mazlumlar için Dayanışma Derneği - MAZLUM-DER), the list published online by Helmut Oberdiek, the list published in 2008 in *the Radikal newspaper* as the İHD list of the disappeared and applications to the European Court of Human Rights. Let us state once more that it must be taken into account that this list is tentative, and that it needs verification. According to this list, the total number of the disappeared since 12 September 1980 is 1,353. As the chart very clearly reveals, enforced disappearance is a strategy that was

THE NUMBER OF DISAPPEARED BY YEAR

1980-1990	33
1991	18
1992	22
1993	103
1994	518
1995	232
1996	170
1997	94
1998	50
1999	76
2000 sonrası	33
Tarihi bilinmiyor	4
Total	**1353**

36 Alpkaya, G. 1995:41.

THE NUMBER OF DISAPPEARED BY PROVINCE AND YEAR[37]

	1980-1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000 AND AFTER	DATE UN-KNOWN	TOTAL FOR PROV-INCE
Diyarbakır	2	3	3	27	141	53	63	41	16	17	16	0	**382**
Şırnak	14	6	5	42	84	29	11	5	3	2	7	3	**211**
Mardin	1	4	4	6	68	43	15	11	3	27	2	0	**184**
Batman	0	1	0	7	30	11	7	5	5	10	1	0	**77**
İstanbul	4	2	4	5	15	14	22	4	5	6	1	0	**82**
Hakkari	2	0	1	0	34	22	9	1	0	0	0	0	**69**
Tunceli	0	0	1	0	31	6	6	2	1	0	0	0	**47**
Şanlıurfa	1	0	0	7	10	8	2	3	0	1	1	0	**33**
Adana	0	1	0	0	21	1	4	1	0	0	0	0	**28**
Bitlis	0	0	0	5	8	5	5	1	0	2	0	0	**26**

systematically implemented throughout the 90s; it was most widespread in the period from 1993 to 1999. A glance at the distribution of the disappeared according to provinces also reflects significant tendencies of the strategy of enforced disappearance in Turkey.

There are two very clear tendencies revealed by the tentative data on enforced disappearances: First, enforced disappearances mainly took place in the period from 1991 to 1999, with the period from 1993 to 1996 the most intense. Second, enforced disappearances took place mainly, and most intensely in the OHAL region throughout the 1990s. Istanbul and Adana stand out as the two other provinces outside the OHAL region where enforced disappearances took place. Again on the basis of our non-conclusive list, we can state that the disappeared in these two provinces outside the OHAL region are also often the politicians, notables and local leaders of the Kurdish community. However, especially in terms of the areas outside the OHAL region, university students with links to leftwing politics, militants in connection with diverse leftwing politics, various figures that formed local democratic public opinion, or to summarize, people from all dimensions of political opposition were forcibly disappeared throughout the 90s.

37 The list was prepared on the basis of the 10 provinces where the highest number of enforced disappearances took place.

IV. RESEARCH TOPIC AND METHODOLOGY

This report is the product of a yearlong research project titled 'The Unspoken Truth: Enforced Disappearances'. The topic and the purpose of the research is to set forth and assess how enforced disappearance practices were made possible in the aftermath of the 12 September 1980 military coup d'état in Turkey in both a sociological and a legal sense, and the general patterns of the experiences of relatives of the disappeared. In brief, these were the questions we sought answers for: Through which legal, political and social mechanisms was the strategy of enforced disappearance realized? Through which practices was the widespread silence and indifference of society, which would continue for many years ensured? Which processes did relatives of the disappeared go through, what were their experiences, and how did they interpret these experiences? What does the strategy of enforced disappearance tell us about the state, justice and citizenship?

It is clearly impossible to produce concrete and definitive answers to all these questions for the whole of Turkey, and for the majority of enforced disappearance cases within the timeframe of a year. Therefore, we decided that in the first year, it would be wiser and lead to more accurate results to select a single location, to carry out our research and to set forth what the cases of enforced disappearances at that location could tell us. Since it was impossible to gather data that would enable us to talk about all 1,353 cases of enforced disappearances, we decided to select a location and to try to understand it through a number of interviews that would be sufficiently representative.

The location we chose was the province of Şırnak. Şırnak is important in a number of ways: First, according to our tentative list, Şırnak is, after Diyarbakır, the place where the highest number of people was forcibly disappeared; 211 people were forcibly disappeared in Şırnak. Second, more recently, it is a province where important information regarding enforced disappearances and the operational methods of groups formed of army officers-informants-village guards has been discovered, particularly within the scope of the file titled Temizöz and Others. Third, many high ranking military officers from Şırnak have been tried and sentenced not only within the scope of the Temizöz and Others case, but also the Ergenekon and Balyoz cases, and a number of statements and witness accounts about these individuals have been provided. Fourth, both because of its geographical location close to the Habur Border Gate, making it a crucial town in border trade, and because of its politically dynamic environment, it is a place which developed resistance practices throughout the period of conflict, and suffered from various policies of repression and oppression.

Thus, we carried out our field research mainly in Şırnak. And since the office of Truth Justice Memory Center is in Istanbul, we also carried out interviews with relatives of the disappeared who resided in Istanbul. We visited Şırnak a total of three times within the scope of the field research. The first of these visits took place from 1 to 7 September 2012, the second from 12 to 18 October 2012 and the third from 30 November to 6 December 2012. We would like to underline the vital support and help of YAKAY-DER, regarding both the Istanbul interviews and the Şırnak field research. In establishing connections with the relatives of the disappeared, and with the activists organized around the Mesopotamia Solidarity with the Relatives of the Disappeared Association (Mezopotamya Yakınlarını Kaybedenlerle Dayanışma Derneği - MEYA-DER), YAKAY-DER provided great support from the first day on. The contribution of MEYA-DER in Şırnak in our meeting and convincing the relatives of the disappeared to take part in the study was also crucial. In addition to these, both in Şırnak and Istanbul, human rights defenders, lawyers who have worked in this field, municipality workers and representatives of various civil society organizations who have worked in this field, did not only support us in establishing connections with relatives of the disappeared, but also shared their own knowledge and experience with us, and stood by us during all stages of the study.

During the field research, semi-structured interviews were held with a total of 86 relatives of the disappeared regarding 69 forcibly disappeared individuals. Interviews were also carried out with lawyers and representatives of human rights organizations. Two meetings were held, with a group of six and then with two individuals who are residing in the area to gather information and have been following developments for many years. The vast majority of interviews were carried out one-on-one, however, we did carry out a few group meetings as well. The interviews were held in Cizre, Silopi, İdil, Diyarbakır and Istanbul. Interviews about 45 forcibly disappeared were carried out in Kurdish, 21 were carried out in Turkish and 3 were carried out in both Turkish and Kurdish. Interviews with people other than relatives of the disappeared were carried out in Turkish. The field study team is composed of Özgür Sevgi Göral, Gamze Hızlı, Özlem Kaya, Ayhan Işık, Berivan Hicret Turhan and Zeynep Ekmekçi.

V.

A FEW NOTES ON THE SPACE

As stated in the methodology section, there are several reasons we chose the province of Şırnak as our site of study, however, perhaps the most relevant is Şırnak's place in the social memory of the 1990s. We recall Şırnak with the Güçlükonak ambush, the Yeşilyurt village incident, the Newroz celebrations in Cizre, the Silopi executions, or in brief, to use Levent Ersöz's expression, as 'the Republic of Şırnak'. Şırnak was one of the last two provinces where the state of emergency was lifted, and its history is also the history in Turkey of the normalization and structuralization of regimes of exception.

From 1913 to 1990, Şırnak was a district of the Siirt province. In 1990, Şırnak was itself made a province.[38] The people of Şırnak believe that the most significant ground for this administrative change was military, and that the district was turned into a province so it would become possible to install a gendarmerie battalion here. Şırnak today has a total of 7 districts; these are Merkez (lit. Central, the town of Şırnak), Beytüşşebap, Cizre, Güçlükonak, İdil, Silopi and Uludere. The population of Şırnak, according to 2011 census data, is 290,307. With a population approaching a hundred thousand, Cizre is Şırnak's largest district, followed by Silopi, with a population of around eighty thousand.[39]

Every single district of Şırnak has been defined, marked and shaped by the political climate of the 1990s. Events that have been deeply etched in the town's memory from the late 80s to the early 2000s include the Yeşilyurt Feces Case, when in 1989 gendarmeries forced villagers to eat feces; the 1992 Cizre Newroz demonstrations, when according to official accounts 57 people died when military forces opened fire on the people, however the figure is in the hundreds according to people we interviewed in Cizre; the blockade of the town for weeks starting on 19 August 1992 on the pretext that 'the PKK has ambushed Şırnak'; the Güçlükonak Massacre on 15 January 1996, with the discovery of the murdered and burned bodies of 11 village guards; the enforced disappearance on 25 January 2001 of Serdar Tanış and Ebubekir Deniz, the director and administrator respectively of the Silopi District Directorate of the newly opened People's Democracy Party [HADEP].[40] The Şırnak of the 1990s is remembered with cases of enforced disappearances, people being executed in daylight in the middle of the street, with bodies hurled out of helicopters, streets impossible to step out into after four o'clock in the afternoon, and the unknown fate of the passengers of white Renault Toros cars, often used by police or military officers in civilian clothes. The spirit of this period is perhaps best characterized by the words of Mete Sayar, who served as Brigadier General in Şırnak for many years, stated in 1992 to a group of visiting journalists and is frequently mentioned in narratives of the relatives of the disappeared, most particularly from Silopi: "I am trying to create a beautiful painting here. If they try to smirch this painting with even the smallest stain, I will break this painting over the heads of the people of Şırnak. And that is precisely what I eventually did..."[41]

The interesting list of military officers who served in Şırnak and its districts includes names such as Cem Ersever, Veli Küçük, Arif Doğan, Mete Sayar and Cemal Temizöz. Among Şırnak village guards, almost all of whom have been sentenced for certain crimes, the most infamous are Kamil Atak, Bahattin Aktuğ and Hazım Babat. As for the most infamous of the informants who collaborated with the army and the village guards, the list includes, Adem Yakın, who used the code name Bedran, Fırat Altın (Abdülhakim

38 "Şırnak tarihi" (The history of Şırnak), *Zaman,* 1 July 2007. http://www.zaman.com.tr/sehir_sirnak-tarihi_565263.html

39 For the distribution of Şırnak's population according to district in the 2011 census, see http://www.webcitation.org/6BuHLiC8t

40 Başlangıç, C. *Korku İmparatorluğu (The Empire of Fear),* 2001; "21 Mart 1992: Cizre'de Newroz kutlamalarında kontrgerilla katliam yaptı" (Counter-guerrilla forces carry out massacre at Newroz celebrations in Cizre), Marksist.org, http://www.marksist.org/tarihte-bugun/3270-21-mart-1992-cizrede-newroz-kutlamalarinda-kontrgerilla-katliam-yapti

41 Başlangıç, C. "Burası Şırnak cumhuriyeti" (This is 'The Republic of Şırnak'), *Radikal,* 05.05.2011, http://www.radikal.com.tr/haber.php?haberno=1603

Güven), who used the code name Ferit, and Hıdır Altuğ who used the code name Tayfun. Cemal Temizöz, Kamil Atak, Kukel Atak, Temer Atak, Adem Yakın,[42] Hıdır Altuğ and Fırat Altın are also defendants in the Temizöz and Others case.[43] The great majority of these names were mentioned in the narratives of all relatives of the disappeared we interviewed; the relatives of the disappeared described in detail the division of work between military officers, village guards and informants, and the policies they implemented.

As for figures regarding the disappeared in Şırnak, according to our tentative data, a total of 211 people were forcibly disappeared in Şırnak province and its districts since 12 September 1980; Cizre is the district where the highest number of enforced disappearances took place with 79 people, Silopi is second with 69 people. 22 people were forcibly disappeared in Güçlükonak, 21 people in Şırnak central and its villages, 11 people in İdil, 3 people in Beytüşşebap and 6 people in Uludere. The great majority of these incidents took place from 1993 to 1997; nevertheless enforced disappearances continued as recent as the year 2001. Also in Şırnak, however limited in number, there were cases of enforced disappearances before 1993. We must, however, add that Şırnak is not a place where we only witness enforced disappearances. Within the concept of 'establishing territorial dominance' implemented in the early 1990s as we mentioned in the Background section, in Şırnak we also witness the two other types of systematic rights violations: Forced migration and illegal and arbitrary executions. According to the statements of relatives of the disappeared, almost all the villages of Şırnak were forced to adopt the village-guard system, and the villages that did not accept, were evacuated and burned down. The practice of forced migration was not restricted to the villages of Şırnak. Seven-thousand families according to one statement, and a thousand families according to another, who lived in the Cudi neighborhood in Cizre central were forced to migrate in early 1992. In consideration of the fact that these families were, to use the phrase of the interviewees, 'patriotic families', and that the Cudi neighborhood was 'the most patriotic neighborhood' of Cizre, it becomes clear that those who were forced to migrate were the families who were known to be closer to Kurdish politics. Following this forced migration in the Cudi neighborhood, temporary village guards were installed in the homes of those who had left. In addition to this, stories of homes destroyed by mortar fire, civilians murdered by military gunfire, and people executed in the middle of the street by 'unidentified people' are part of Şırnak's history. Thus, the people of Şırnak received their share not only of enforced disappearances, but also of those two other practices that always accompanied enforced disappearances throughout the 90s –forced migration, and extrajudicial and arbitrary executions.

The bill of indictment No. 2009/972 of the Temizöz and Others file dated 14.07.2009 which tells us a lot about the enforced disappearances in Cizre in particular, was written on the basis of the four statements of Kamil Atak's younger brother Mehmet Nuri Binzet, a person who had served as a temporary village-guard, and two secret witnesses with the code names Sokak Lambası (lit. Street Lamp) and Tükenmez Kalem (lit. Ballpoint Pen). The accounts of these witnesses form a consistent whole, and the evidence related to the murders and crimes completely verify the accounts of the witnesses. According to the bill of indictment, no document of identification is discovered on the forcibly disappeared or executed whose body is found, because according to the statement of the secret witnesses and Binzet, they try to make the people they have abducted talk, reveal the names of people in the region who support the PKK forces and to show them sites by torturing

42 Adem Yakın is also mentioned as an important member of the Cem Ersever team that was assigned in the region in the late 80s, see Yalçın, S. 2003:42, 160-162, 170.

43 Bill of Indictment No. 2009/972 of the Diyarbakır Public Prosecutor's Office. Case no. 2009/470 opened at the Diyarbakır 6th Criminal Court against Major Temizöz and other defendants continues. This case is known by the public as the Temizöz and Others Case.

them for at least a few days; the interrogation and torture is carried out from time to time at the bunkers beneath the homes of Kamil Atak and Kukel Atak; after the person or people whose documents of identification have been taken are executed the bodies are handed over to Cemal Temizöz; the team known as 'the interrogation team' formed of informants and some military personnel does not use arms from the Gendarmerie Command, but AK-47s;[44] after they execute people, they either leave their bodies under rocks in a very casual manner, or just leave them at the point they execute them; the Hizbullah village known in Kurdish as Basîsk and in Turkish as Kuştepe is specifically preferred for the executions, and the team works in tandem with the Hizbullah. According to the bill of indictment, the 'interrogation team' is composed of specialist sergeant Yavuz, informants Adem Yakın, whose codename is Bedran; and Hıdır Altuğ, whose codename is Tayfun; and two military personnel whose codenames are Selim Hoca and Tuna. Temporary village guards Kukel Atak and Temer Atak join this team both for interrogations and executions. Cemal Temizöz and Kamil Atak are team leaders, and in particular Cemal Temizöz is the authority who gives directives and to whom the documents of identification are turned over after every execution. The bill of indictment states the following:

"(...) In the actions recorded above; similarities were detected in data such as the fact that all the victims were first detained, and detained by the same people, they were taken in by a white Renault car, they were all murdered either with a Kalashnikov rifle or a handgun, and in similar places, and following the murders all were buried in a careless manner under a layer of 8-10 cm. soil which was then covered by rocks, and no document of identification was found on any of the victims,

Despite the fact that the legal documents of many of the acts of murder recounted above were sent a short while after the act to the Diyarbakır State Security Court Office of the Chief Prosecutor with a verdict of non-jurisdiction, they are fully consistent with the statements of the secret witnesses. Thus, it has been assessed that it would be impossible for a person who was not involved in this act in terms of site, time, persons, type of event, arms used and consequences to possess this knowledge, and that therefore the accuracy has also been assessed of the statements of secret witnesses SOKAK LAMBASI and TÜKENMEZ KALEM and that of witness Mehmet Nuri BİNZET,

That according to the chart prepared upon our directive by the Cizre Office of the Chief Prosecutor on unresolved murders that took place in the district of Cizre from 1990 to 2000; it is worthy of attention that there is a total of 48 unresolved murder files for the years 1993-1994-1995, and that the total number of unresolved murder files for the years 1996-1997 is 7.

And thus, in the light of all these assessments, that the suspect Cemal TEMİZÖZ was a leader from 1993 on in the district of Cizre of a criminal organization, that the members of this organization, under the directives of Cemal TEMİZÖZ, carried out many crimes including voluntary manslaughter, and that this organization used all the means provided to them by the state for them to struggle against terrorism in committing these crimes, has been determined by present evidence, (...)".[45]

Village guards and informants play a special role in the 'interrogation team': The 'localization' of the mechanism of killing and the transmission of local relationships, social texture and its information is essentially carried out by village guards and informants. Informants are often employed in issues related to the PKK: Using their own experiences in the organization, they

44 Both Ersever's statements, and the statements of various informants explain that the special counter-guerrilla team did not use the weapons available at the gendarmerie command, but often preferred AK-47s retrieved from PKK guerrillas killed in clashes, and that the counter-guerrilla team planted these weapons they referred to as 'dirty weapons' at crime scenes after carrying out executions, see Yalçın, S.2003:144, Kılıç, E..2011:126.

45 Temizöz and Others, Bill of Indictment, p. 79. The quote is unabridged from the indictment text.

respond to questions such as how organizational relations are established, and how and through what kind of people the relations between the rural and urban areas are carried out, thus producing the information on this field. The village guards, on the other hand, produce information on intertribal relations, how these relations could be mobilized in counter-guerrilla activities, how and through which relations each family can be approached and how animosities between families and tribes can be used in low-intensity war strategies. On a much more superficial level, they of course also classify people according to those who have close ties with the PKK, those who support the PKK and those who are 'on the side of the state'.[46] Yet, 'the localization of the mechanism of killing' involves much more than this: The inclusion of the space, political and social relations established in this space, the demographic structure of the space and its political consequences, relations and animosities between families and tribes in 'the interrogation team' perhaps also means the localization of the team itself, and its being embedded in this space. Therefore, 'the interrogation team' did not only gather information on the space, but it also embedded its own practices in this space, and rendered itself an inherent part of it.

We will discuss the narratives of the relatives of the disappeared in further detail below, however, it is necessary to say this much at this point: The statements of informants that have been published by the press, the statements of witnesses and secret witnesses in the Temizöz and Others file, and the accounts of the relatives of the disappeared from the interviews we conducted completely overlap. Throughout the 1990s, and especially via the structure of the OHAL system, and by use of the means of the counter-guerrilla organization formed in accordance with the strategy of 'low intensity warfare', Şırnak was transformed into a space of death and destruction. This transformation that we witness in other countries in the world, and in particular those experiencing civil war or ethnic conflict, is made possible by a systematic effort to identify the space with death, violence, torture and destruction. Physical violence is not enough to transform a place into a space of death and destruction, but physical violence is the essential departure point. However, as stated when examining the oppressive policies the Indonesian state carries out against the population of Eastern Timor, the transformation of a place into a space of death and destruction involves much more than this. According to this, the first tactic is to murder people using a tremendously broad repertoire of torture, or physical violence. The second tactic is a form of symbolic violence that targets as a whole all the practices, symbols, language and forms of organization of the force the state faces. The language used in interrogations and the style of the military campaigns carried out in conflict regions is an example to this type of violence. The third tactic is what we could call 'the demonization of the enemy' in which the opposing side in the conflict is discursively reconstructed by constantly referencing 'evil' practices, and the legitimization of the unlawful practices of the various actors of the state on the basis of this demonization. The final tactic is the constant effort towards controlling and transforming the population of the conflict region via practices such as forced migration.[47] In Şırnak, a place which has been transformed into a space of death and destruction, it is not difficult at all to see all these strategies implemented by the various actors and representatives of the state, and the damage they have caused.

46 Balta Paker, E.; Akça, İ., 2013:13.

47 Aditjondro, G.J. "Ninjas, Nanggalas, Monuments, and Mossad Manuals: An Anthropology of Indonesian State Terror in East Timor", 2000:176.

VI.
FINDINGS OF THE FIELD STUDY

We would like to share in two sections the findings of the interviews we carried out in Şırnak and Istanbul with 86 relatives of the disappeared regarding 69 individuals who were forcibly disappeared and also with notables in the region, human rights defenders and lawyers. In the first section, we will try to explain the state's repertoire in relation to enforced disappearances, and through which tactics this strategy was implemented. In this section, a general discussion on the state's approach will be followed by an examination of each separate technique adopted to implement the strategy of enforced disappearance.[48] In the second section, we will see how relatives of the disappeared experienced the process of enforced disappearance in the lead-up and the aftermath, and what conclusions may be drawn from this experience. Both sections are fundamentally based on the accounts of the relatives of the disappeared.

There are no doubt a series of epistemological problems that accompany the interpretation of interviews carried out concerning the subject of enforced disappearances. To express a loss that is impossible to compensate for and to share this highly painful experience also means to partially lose a part of this experience which carries a very powerful singularity and uniqueness for each individual that was forcibly disappeared. The translation into Turkish of the interviews carried out in Kurdish, which form the vast majority of interviews, adds a further element of mediation caused by translation of the narrative. The act of translation itself means introducing other ethical and epistemological universes into acceptable and familiar forms.[49] However, all these issues related to the literature of dealing with the past and memory studies have been voiced and debated for a long time. The debate continues, yet demanding that it solve all these issues would be expecting too much from this report. Thus this report must be read as an attempt to understand practices of enforced disappearances on the basis of a certain location, by putting forward certain categorizations, inferences and patterns in awareness of all these areas of tension.

48 Two of the most significant techniques, the impunity of perpetrators, and the statute of limitations, were treated in their various aspects in the Truth Justice Memory Center report titled Enforced Disappearances and the Conduct of the Judiciary and thus will not be included in this report.

49 Povinelli, E. "Radical Worlds: the Anthropology of Incommensurability and Inconceivability." 2001:327.

A) The State's Repertoire Related to Enforced Disappearances

It is necessary to first elaborate on what we mean by the term state. Historical and sociological studies carried out in the field of state anthropology and the character of the state over the last twenty years in the social sciences reveal that the thing we call the state is not a monolithic structure, that its actions and practices do not display absolute consistency, and that all its institutions and units do not act in the same manner. On the contrary, the structure we call the state is a series of practices that may contradict, resemble or articulate with each other in which different actors move by constructing different processes. This series of practices contains both material practices, and images and values that emerge in the symbolic universe. Thus, the tension between the central structure of the state and its local units is often emphasized as well.[50]

This tension is also taken into consideration in studies on human rights violations. For instance, Gökçen Alpkaya underlines the fact that there is an element of 'irregularity' (the Turkish word for this term has entered many Western languages as bashibazouk) in the implementation of the practice of enforced disappearance: "There wasn't a lot of data to make one think these practices were planned and coordinated, in contrast, there were clues that pointed out they were arbitrary and 'irregular'."[51] Studies not on enforced disappearances but on the security practices of the 90s also mention the various tensions that exist between the regional structure and the central structure.[52] The gist of this is that systematic human rights violations and special warfare strategies were not integrated and non-arbitrary processes that were carried out by the letter in accordance with orders from above.

The nature of such activities necessitates an arbitrary, 'irregular' and improvised approach that does not necessarily follow orders from above to the letter. Counter-guerrilla activity is a type of activity that contains and in fact, necessitates an arbitrary nature involving systematic torture, executions of civilians, enforced disappearances and acts of 'intimidation' and the use of, to a certain extent, local initiative. Although such activities have been conceptually designed by central states, there is always a line of tension between the designers and the implementers. Tanıl Bora states that even in the example of German fascism, a regime where the tension between the central state and units that produce the violence was at the lowest level, there was a tension of the same kind. He draws attention to "frictions between the power to 'create' states of emergency, which is the basis of the dominance of the state, and the bottom-up dynamics of the state of emergency, which is in fact activated by this power."[53] According to this view, there was tension between the SA, which organized street massacres, and the central institutions of the German state; and therefore, according to the central institutions of the German state, the SA should avoid 'undisciplined acts' that would destabilize political and especially economic life.[54] Arendt, too, writing on German

50 For a comprehensive debate on this topic see Thomas Blom Hansen and Finn Stepputat (ed). *Sovereign Bodies: Citizens, Migrants and States in the Postcolonial World,* Princeton University Press, Princeton and Oxford, 2005; Aradhana Sharma and Akhil Gupta (ed). *The Anthropology of the State - A Reader,* Blackwell Publishing, Padstow, Cornwall, Great Britain, 2006; Thomas Blom Hansen and Finn Stepputat (ed). *States of Imagination: Ethnographic Explorations of the Postcolonial State,* Duke University Press, USA, 2001.

51 Alpkaya, G. "Kayıplarımız" (Our Disappeared), 2009:102.

52 Balta Paker, E.; Akça, İ., 2013:12.

53 Bora, T. *Türkiye'nin Linç Rejimi (The Lynch Regime of Turkey),* 2008:33.

54 Bora, T. 2008:34.

fascism, speaks of the plurality of the death mechanism of the state, the tension between local and central institutions and of a complex bureaucratic structure. Arendt also highlights the competition between these plural actors.[55]

Therefore, this 'irregularity' is in the nature of counter-guerrilla activities. As one of the interviewees stated, these local initiatives and the position of the central institutions of the state must be assessed in relation with each other: Here, the 'concept' designed at a central level, and the 'autonomy' of implementers at a local level coexist. On the one hand, there is the central concept of 'territorial dominance' and the implementation of its practical outcome, which is the strategy of severing the ties between the PKK and those sections of the public that support or are deemed to support the PKK. In order to do this, it was considered legitimate to go beyond the usual boundaries of law. Yet on the other hand, every team that would transgress those borders had a unique way of operating, a style, and they all had different approaches due to local connections. For instance, the Şırnak team wanted to control the Habur trade, because the town was close to the Habur Border Gate. Or Kamil Atak and his team of village guards chose to sort out their issues with their local rivals under the pretext of a special warfare strategy.

One of the most typical examples of this is the enforced disappearance of Abdullah Efelti. According to both the accounts in the interviews we carried out, and the witness statements in the Temizöz bill of indictment, the only reason Abdullah Efelti was disappeared was that he was planting crops on a piece of land which Cemal Temizöz and Kamil Atak didn't want him to. The piece of land was the property of Salih Şık, who wanted to be a candidate for municipality head in the local elections, but was threatened not to because Kamil Atak was to declare his candidacy; Şık was eventually forced to withdraw his candidacy.[56] According to the statement of Şık's son, Cemal Temizöz first threatened Şık by saying, "if you do not withdraw your candidacy I will kill your son and your nephew," and made him withdraw his candidacy. Şık's son continues:

"After this event, the animosity of Major Cemal against us increased, he threatened us not to sow that land, and said, 'if you do, I will find an excuse and go over it with the panzers and destroy the crop'. What's more, during that period, the water engines we had bought by selling two flats in Ankara were stolen and we suspected it was Major Cemal who had stolen them. We were not able to plant crops that year, the land remained empty, and the following year, we rented it out to Abdullah Efelti. After we had rented out the land, Abdullah Efelti came to us and asked, 'Major Cemal from the gendarmerie is threatening me, he doesn't want me to plant crops on the land, what should I do?' so we replied, 'he threatened us, too, I don't know what to do."[57] The interviewees also commented on this case:

"Here, across 800 acres of irrigated land, they grew cotton, every year. He didn't allow that either. He prevented the man who was going to grow the cotton, a man called Abdullah Efelti, and then he even killed that man. In other words, you cannot work the land, cultivate the land.

55 Arendt, H. *Kötülüğün Sıradanlığı - Adolf Eichmann Kudüs'te (Eichmann in Jerusalem: A Report on the Banality of Evil),* 2012:81.

56 Kamil Atak declared his candidacy for mayor before the 27 March 1994 local elections from the Doğru Yol Partisi (The Right Path Party - DYP). A month before the elections he applied to the Silopi Province National Education Directorate. He claimed that he had graduated from primary school but had no document to prove it, and produced two witnesses. Atak was elected mayor in that election, and during his reign, he left the DYP and collaborated with Refah Partisi (Welfare Party), Anavatan Partisi (Motherland Party) and Milliyetçi Hareket Partisi (Nationalist Movement Party). He once again declared his candidacy at the 18 April 1999 elections and won once again. Following the elections, when reports that Atak had been sought for years for the murder of two shepherders in the district of Van were published in the press, he fled Cizre, and later was tried at the Van High Criminal Court. When it became clear during the judicial process that Atak had not graduated from primary school, his municipality election win was annulled, and the elections in Cizre were repeated. See "Devletin derebeyi: Korucu Kamil Atak" (The overlord of the state: Village Guard Kamil Atak), Birgün, 19 March 2009. http://www.birgun.net/actuel_index.php?news_code=1237456473&day=19&month=03&year=2009

57 Temizöz and Others Indictment, 2009:30.

Imagine it, 800 acres; it is not a small piece of land. You would make a lot of money, no matter what. The man went and met the owner, paid his rent. Then he said, I have paid the rent for this piece of land. I have suffered a lot of losses, I need to plant my crop, for my children's sake. So Cemal Temizöz made up an excuse, he said, this is the Syrian border, there is a lot of border passage, you will not plant anything here. What an excuse! There used to be agriculture there in the past, and there is now. So what was special about that time? And he even killed the man."[58]

The concept and the state of autonomy are very appropriate to express both the uniqueness and the integrated manner adopted by the various representatives of the state everywhere in Şırnak. This integrated approach contains to a certain extent improvisation, elimination of personal enemies, and the use of local initiative, but the concept is based on allowing all this anyway. After all, "the state was Kamil Atak's friend."[59]

1) Denial

The first and perhaps most significant technique that various representatives and institutions of the state agree upon and which renders the strategy of enforced disappearance possible is denial. The most important expression of this stance at the central level is the reply given by Süleyman Demirel, the Prime Minister of the period, to the families of the 'missing' who demanded from him that their relatives be found: 'Do you think I keep your child in my pocket so I can take him out and hand him over?'[60]

It seems that this stance of the central authority was adopted and widely used on the local level as well. The denial of an enforced disappearance even when it was completely obvious that the person had been disappeared by gendarmerie or military forces is one of the most significant features of the practice in Şırnak. The case of the three people, who were disappeared in the Doruklu Village of Silopi on the same night, is one of the most typical examples. On New Year's Eve, 31 December 1995, village head Mehmet Fındık, his brother Ömer Fındık and their cousin Ömer Kartal, drove with their own car to the Silopi District Gendarmerie Central Station to give to the soldiers the turkey they had demanded from them. They did not return to the village. Relatives and villagers grew worried, and went to the gendarmerie station, and were told that they had gone from the central station to the police station. The families who went to this second destination were told that three people had left the building 10 minutes ago. Mehmet Kartal remembers the events:

"We first went to the gendarmerie station, then to the police. We told them we wanted to see our people, they told us that they had not come there, and that they were not there. 'They left ten minutes ago,' they said. 'It has not been ten minutes since we left, and we didn't meet them on the road,' we said. (...) Because we went and came back to the village in ten minutes, but we saw nothing, they had not returned to the village. They had disappeared."[61]

Another example is Mursal Zeyrek, who was forcibly disappeared in 1994 in Silopi. Upon the call of Squad Commander First Lieutenant Kenan Topçu, Mursal Zeyrek went, with his brother İslam Zeyrek, to the Habur Border Gendarmerie Squad. After interrogating the two brothers together, First Lieutenant Kenan told them that his commanders and guests were about to come, and that they would get angry if they saw two brothers sitting side by side, and that he had to put them in two separate rooms. This is İslam Zeyrek's account of what followed:

"We'll put you in two separate rooms, so you are not side by side,' he said. They put me in the room

58 Interview: Şırnak-Silopi / 14.10.2012

59 Interview: Şırnak-Cizre / 03.09.2012

60 Quoted by Alpkaya, G., 1995:56.

61 Interview: Şırnak-Silopi / 14.10.2012

next door. The rooms were next door to each other, their doors were adjacent. They put me in the other room. The corporal closed the door but he didn't lock it as he left. I checked my watch, and I stayed in that room for precisely six minutes. Before the seventh minute, I gently opened the door, thinking to myself, 'let me check on my brother, this man has gone and left us here, what are we doing here'. Then I saw that the door to the room my brother was in was open, he wasn't in there. My brother was gone. All in a matter of six minutes. Not a sound of a car, or a person. No one asked us what we were doing, or told us 'why they detained us'. The man has been missing since."[62]

Some relatives of the disappeared state that they went to the gendarmerie station, to the battalion, and even to Cemal Temizöz himself numerous times. However, every time they received a similar answer, the person they spoke to told them that they had absolutely no information regarding what might have happened to their relatives. Again, the bill of indictment for the Temizöz case includes examples of how minutes were taken down, particularly in cases of enforced disappearance where the body had later been discovered, stating that the person "had been killed in a clash with the PKK". Therefore, denial is a strategy used very frequently, and in an overlapping manner both on the central and local level. Although it has no credibility at all, denial and rejection of knowledge of the fate of the disappeared person is a systematically used strategy against those who are searching for the disappeared. For people who were publicly detained, the response was that they had been released a long time ago; as for those who had been seen entering a gendarmerie or military station in a manner other than detainment, the response was that they had left the building. In consideration of the fact that the majority of people who were forcibly disappeared were taken either during raids on their homes, in full view of their family; or from public places such as streets, workplaces or village squares, the most significant aspect of the strategy of denial emerges: The interrogation team is fully authorized to take anyone it wants in full view of everyone, and then to deny that they are holding them.

2) Threats

Almost all relatives of the disappeared in Şırnak have been subjected to threats and intimidation. The people of Şırnak that we interviewed described the group referred to as the 'interrogation team' in the Temizöz and Others file as the 'team', the 'special team' or as 'JİTEM'. They told us that this team, under the leadership of Cemal Temizöz and Kamil Atak, threatened and tried to intimidate everyone who was looking for his/her relatives. Everyone we interviewed had been threatened in one way or another. In Şevkiye Arslan's words, 'the special team' took her husband İhsan Arslan after an early morning raid to their home. Şevkiye Arslan ran after her husband, and saw that the team took İlhan Arslan away tied to another person, Ali Karagöz, and that these two people were entered into a bunker beneath the home of Kukel Atak. This was the last time she saw either Ali Karagöz or İhsan Arslan, no information was ever received about them again. Şevkiye Arslan twice went to Kamil Atak's home to ask about the fate of her husband, and this is the dialogue that took place between them during her second visit:

"I went there again, he came and sat down. 'Uncle Kamil, I'm at your mercy,' I said, 'for God's sake, please release İhsan.' 'Drop it,' he said. 'If you stay here for another hour, I swear to God I will kill you,' he said. They had brought him his meal beforehand, and he had said, 'come and eat with me'. But after I said what I did, he said, 'If you stay here for another hour I will kill you.'"[63]

The most typical threat against those who are looking for their relatives is to be threatened with death. This threat to kill the relative of the disappeared is sometimes accompanied by the perpetrator saying what he has done

62 Interview: Şırnak-Silopi / 15.10.2012

63 Interview: Şırnak-Cizre / 03.09.2012

to the disappeared. In such cases, denial is replaced by blatant acknowledgement, and the relative of the disappeared is told that the same fate will befall him or her if he or she does not give up. Atike Tanrıverdi, used to live with her husband Abdülhakim Tanrıverdi in the village called Basîsk in Kurdish, and Kuştepe in Kurdish. A short while later, the village would be evacuated and transformed into a Hizbullah village. In 1993, her husband was forced out of the house by the military team and detained. The family was afraid when they saw the team and hesitated to leave the house, however the soldiers threatened them with dropping a bomb in the house to get them to come out. Abdülhakim Tanrıverdi was detained once he left the house, and his body, carrying marks of heavy torture and his hands tied behind his back, was discovered on the İdil road ten days later. After the body was found, the village head and the uncle of Abdülhakim Tanrıverdi went to the District Gendarmerie Command, "where a military officer said, 'Yes, we did it, so what? You can stop looking for the perpetrators now, we did it.' This happened during Cemal Temizöz's period but it wasn't him, it was another officer."[64] As for Halil Acar, the father of Nezir Acar who went to the Gendarmerie Battalion to ask about the fate of his son who was disappeared on 8 April 1992 in İdil, "I don't know whether it was a captain or a major who immediately got to the point, 'look, we will kill you just like we killed your son, I swear to God.'"[65] Ahmet Bulmuş was taken in Cizre in April 1994 from his electrical repairs shop in an arcade in the market, and first detained and then disappeared. Three days after he was detained, Cemal Temizöz came to Ahmet Bulmuş's home. They searched the house with soldiers, and Temizöz turned to Ahmet Bulmuş's wife and said,

"We took your husband, he is our guest, we will release him in three or four days."[66]

Just like denial, accepting the deed only in the presence of the relative of the disappeared and implying that one will do the same to the relative if they try to search for the disappeared, or to take legal action, functions as another tactic. The narratives of the relatives of the disappeared reveal that sometimes Kamil Atak, sometimes the informants in the team, Bedran and Tayfun, sometimes other 'ranking officers' at the gendarmerie station, and sometimes even Cemal Temizöz himself openly threatened the relatives trying to find out the fate of their disappeared relatives.

Thus, state officials in Şırnak do not only deny the existence of the disappeared, they sometimes accept it. Denial on the one hand, and acceptance by threatening/intimidating on the other, are two different techniques used simultaneously to implement the strategy of enforced disappearance. Their common point is the emphasis on the absolute power of the perpetrator. In both cases, the power to kill or let live disregarding legal norms is in the hands of the team; the team decides, according to its position of absolute power, whether it will share this information or not. Therefore, there is both a secret, and things that are kept unsaid, and there is also a strange candidness, bordering on boasting. Threats carried out in the presence of everyone, to accept that one has murdered the disappeared person and to emphasize that one will do the same thing to the relative if necessary, to torture the entire village population in the village square, to open fire on people who have come to the gendarmerie station to search for their relatives after switching off the lights, and claiming that a clash broke out. The secret and the boasting exist together; they both emphasize the same thing in different ways: Team members have the last word over human life.

3) Criminalization

Criminalization is a technique used not only in Turkey but also in many countries where enforced disappearances take place, and it serves as the legitimization of the disappearance. For example,

64 Interview: Şırnak-Cizre / 13.10.2012

65 Interview: Şırnak-İdil / 01.12.2012

66 Interview: Şırnak-Cizre / 12.10.2012

the legitimization at state level of enforced disappearances in Argentina takes place mostly by an emphasis on internal or external threats.[67] In the Şırnak example, in order to legitimize the enforced disappearance, the interrogation team frequently claims that the disappeared were PKK militia. In more than half of the interviews we carried out, we heard that the Special Warfare teams in the region claimed that the disappeared person was a PKK militia. Ahmet Özer, Ahmet Özdemir, Bahri Esenboğa, İlhan İbak, Fikri Şen and Mehmet Dayan,[68] who were disappeared on 13 August 1994 in the Fındık village of Güçlükonak after being put on a military helicopter, were detained on the grounds that they were PKK militia. A member of this group, Ahmet Özdemir, was blind in both eyes, and they were all taken from their homes on the basis of the claim that they were militia. This is İlhan İbak's father İsmet İbak's account:

"They used to say about them, 'they are militia, they are militia'. They claimed they were PKK's militia. (...) Yes, they came, it was six o'clock in the evening, and they came to the front of the home of the military commander. They took them, we asked them, 'why did you take them, what is going on.' 'They are members of the PKK,' they said. They took them, and that night, and the following three nights, they did not release them. They had put them in this place like a pit, that's where they were holding them for three days, but it was open. They stayed there at night and they came back in the daytime. On the fourth day they put them in a helicopter and took them to Fındık. They went and we never saw them again. (...) We didn't see them ever again. 'We will take them and take their statements,' they said. 'Is that so,' we asked. They took them, my God, and we are yet to see them again, we are yet to see them again..."[69]

The second claim put forth in addition to the accusation of being militia is that the disappeared carried out political activities on behalf of the PKK, that they provided 'logistical' support for PKK guerrillas, or that they helped people who wanted to go to the 'rural area' to join the guerrillas. These are the grounds on which the disappeared are detained. Thus, the implication is that the disappeared are not 'innocent citizens', that they have ties with the PKK, and that in some way; they deserve the maltreatment they suffered. Besides, the accusation of ties with the PKK, serves the perpetrators very well in the aftermath of the event, when the fate of the disappeared is being investigated. According to the statement of Kamil Atak's brother Mehmet Nuri Binzet for the indictment of the Temizöz and Others case, this was how Cem Ersever,[70] who convinced Kamil Atak to become a village guard in 1987, defines the structure of the PKK: "Let us look at the structure of the organization from a different angle: First, there are the armed guerrillas of the PKK, up in the mountains, their identities are known to us, or not. We know 90 percent of them. They are documented in the archives of the state. Then there are the urban guerrillas. Third; there is the group we call the militia. The militia exist both in rural and urban areas. Then there are the sympathizers. The people here know who is who. They know who are guerrilla, and who are militia."[71]

In precise conformity with Ersever's classification, most disappeared are claimed to be 'militia' or 'sympathizers'. As numerous examples in the Temizöz bill of indictment reveal, the claim is that those whose bodies have not been found "joined the PKK organization" and those whose bodies have been found were killed "in an internal clash within the PKK" or "by PKK

67 İpekyüz, N. "Arjantin'de Politik Şiddet ve Travma" (Political Violence and Trauma in Argentina), 2009:107.

68 From this group, only Mehmet Dayan was released after 35 days of disappearance with no contact.

69 Interview: Şırnak-Cizre / 12.10.2012

70 "In the year 1987 my elder brother Kamil ATAK met with gendarmerie officer Cem ERSEVER who was serving in the Silopi area, and Cem ERSEVER gathered together my brother and my family elders, and said, you should become village guards, the PKK is very active in this area, you must fight against them, and thus my brother and many members of my family became GKK (temporary village guards) and began to work with the state in the war aganist terror." Temizöz and Others Indictment, p.7.

71 Yalçın, S. 2003:57.

forces in a clash with the PKK". Official reports in line with these accusations are drawn up, and the files of the disappeared or civilian executions are closed in this manner.[72] The accusation of a connection with the PKK not only legitimizes the disappearance in the eyes of the state, but it also trivializes the bodies and the lives of the detained, and creates an artificial pretext to be referred to when relatives ask after their fate. Therefore, for a great majority of the disappeared, there has been the accusation of being a militia, participation in PKK activities, or at least a connection at some level with the PKK.

The technique of criminalization affects not only the disappeared, but also the relatives of the disappeared who are trying to find out about the fate of their loved ones. Many relatives of the disappeared state that they were threatened by Cemal Temizöz, Kamil Atak, or other members of the team. In addition to threats, those who ask after the fate of their relatives are also accused of being PKK members, sympathizers or militia. Vedat Bulmuş, the son of Ahmet Bulmuş who was disappeared in Cizre, says that when Cemal Temizöz and his team came to their home a few days after his father was disappeared to carry out a search, they first threw a hand grenade into the house, and then grabbed his family members by their arms and said, "these are PKK members, too, they are terrorists, too, take them and kill them".[73] Many relatives of the disappeared are detained and maltreated. Ahmet Özdemir's son was detained for searching for and asking after his father, and particularly for wanting to see his body. [74] The detained are also, in almost every case, taken in on the accusation of "aiding and abetting the PKK organization".

Criminalization is undoubtedly not the worst technique the relatives of the disappeared suffer from. Perhaps one of the most tragic examples among those who carried out research into the fate of their relatives is Ramazan Bilir. Ramazan Bilir's brother İlhan Bilir was disappeared in Şırnak in 1992. Ramazan Bilir began to look for his brother. Ramazan Bilir's wife Güllü Bilir talks about the search process:

"For instance, he would ask other people, 'what has happened to my brother'. He would walk on foot, searching for him. He didn't go very far, he would ask people from home to home, from Cizre to Silopi. He would go everywhere his brother could have stopped by. 'Did my brother come here, do you have any information regarding my brother's whereabouts,' he would ask. 'I won't stop,' he used to say. 'I must find out what happened to my brother,' he used to say."[75]

Following this three-year search, one day, someone turned up at their home and told Ramazan Bilir, "let's go to Silopi together, we have work to do, I know where your brother is, I will show your brother to you." Ramazan Bilir left home for Silopi with the person who provided this information, and that was the last time he was seen. Ramazan Bilir, searching for his disappeared brother İlhan Bilir was disappeared in 1995, three years after his brother.[76]

The bodies of the disappeared were, according to the bill of indictment of the Temizöz and Others case, and the interviews we conducted, tortured, beaten up, electrocuted, burned, cut with razor blades, and their bones had been broken. They are also bodies in which the power and hegemony of the state become apparent. In the everyday life of the OHAL region, with such a performance, the hegemony of the state is inscribed upon the bodies of citizens.[77] The relationship of these bodies with the PKK indicates the same thing both for the local actors of the state, and its central representatives: That they are easily dispensable.

72 Temizöz and Others Indictment, 2009:8, 17, 35.

73 Interview: Şırnak-Cizre / 12.10.2012

74 Interview: Şırnak-Cizre / 02.09.2012

75 Interview: Şırnak-Cizre / 04.09.2012

76 Interview: Şırnak-Cizre / 04.09.2012

77 Hansen, T. B. ve Stepputat, F. "Introduction", 2005:7.

4) Establishment of Institutional Collaboration

Collaboration between the different institutions of the state is vital for the maintenance of the strategy of enforced disappearance. It is necessary but not sufficient for the perpetrators to be protected with an absolute shield of impunity for the maintenance of the strategy. Since the issue of impunity is treated in detail in the Truth Justice Memory report titled Enforced Disappearances and the Conduct of the Judiciary, the debate will not be taken up here. In order to sustain the strategy of enforced disappearance, it should not appear on the agenda of various sections of society, or even if it is, it should appear in a predetermined manner, expressed in a specially designed language and certain rhetoric. The press plays the most significant role here. Although there are a limited number of journalists who produced work against this general trend, the general approach of mainstream media was to duly fulfill the role it was given by the state.

It is also necessary to create a 'scientific silence' around the issue to sustain the strategy of enforced disappearance. Throughout the 1990s, the strategy of enforced disappearance was met with a deathly silence by academia, apart from a few significant exceptions. The efforts of first the Human Rights Association, and later the Human Rights Foundation of Turkey aside, the issue did not receive the attention it deserved from civil society organizations, apart from annual reports of human rights organizations.[78] Nevertheless, one must state that the most comprehensive information in this field was produced by human rights organizations, and in a more general sense, civil society organizations, and it was these organizations that made the greatest effort. Thus, the sustenance of this practice that was covered up by various institutions of the state was rendered possible by the silence in the best, and support in the worst instance of various social sections.

Apart from those of *the Özgür Gündem newspaper* and *the Dicle News Agency,* almost no journalists had interviewed the relatives of the disappeared we spoke to in Şırnak. Very few relatives of the disappeared told us that journalists from Turkey had come and spoken to them. The majority of those who had been interviewed were contacted either after Abdülkadir Aygan's confessions, or within the scope of the Ergenekon trials after 2007, or in 2009, when the Botaş pits were opened and the search for human bones was carried out. The vast majority of the relatives of the disappeared had no contact with the press.[79]

Another fundamental issue in establishing the cooperation between various institutions of the state is the stance of prosecutors. This is because the relatives of the disappeared first apply to the prosecutor in order to find out the fate of their relatives, and they present a petition of complaint. Leyla Gasyak is one of such relatives of the disappeared.

In 1994, Ömer Candoruk, Abdülaziz Gasyak, Süleyman Gasyak and Yahya Akman, who were travelling in the same car were stopped at the BOTAŞ checkpoint and were detained by a team of special forces in civilian clothes. Leyla Gasyak immediately went to the prosecutor's office when she found out that her husband Süleyman Gasyak had been taken in by a plainclothes team:

78 Following the silence of the 1990s, there was a relative increase in projects carried out in this field in the 2000s. Here, it is necessary to acknowledge the Time for Justice report of Human Rights Watch published in 2012 (http://www.hrw.org/sites/default/files/reports/turkey0912tuwebwcover.pdf), the work carried out by TESEV to follow the Temizöz and Others case, and in a general sense, to overcome impunity, the efforts of the bar associations in the region, the Diyarbakır Bar Association foremost among them. The work carried out by YAKAY-DER and MEYA-DER to organize and form solidarity among relatives of the disappeared are highly significant efforts from a different aspect. However, as associations formed by relatives of the disappeared themselves, YAKAY-DER and MEYA-DER focus solely on the struggle around the forcibly disappeared, and should not be perceived as compensating for the wider silence of civil society associations across Turkey.

79 In the interviews we conducted with the relatives of the disappeared, they mentioned Saadet Yıldız, Gülçiçek Günel Tekin, İnci Hekimoğlu, and also journalists who worked for Özgür Gündem or DİHA whose names they could not recall.

"I went to the prosecutor's office. I went alone, and when I got there, his guard was in front of his door. I went and put my petition in his hand, he took it inside. I asked him in Kurdish, I said, 'is the prosecutor here,'; he replied 'yes'. He took my petition in, half an hour, then an hour, my petition was inside (...) and I waited outside the door. After an hour had passed, a man came and said, 'go inside'. I went inside. The prosecutor asked me, 'how did your husband leave?' I said, 'he left yesterday, he has been missing since yesterday.' He crumpled up my petition, made it into a ball, and tucked it into my fist, saying 'go to the gendarmerie'. 'Go to the gendarmerie, ask about your husband there,' he said."[80]

When they talk about the time of the disappearance, the relatives of the disappeared always emphasize the extraordinary powers of the team they call JİTEM, or The Team, and the powerlessness of the other institutions of the state, or of other social sections that want to intervene. Abdullah Dansık, whose father Mehmet Dansık, and brother Ahmet Dansık were forcibly disappeared on 22 February 1995 in Silopi, explained this situation as follows:

"There was this JİTEM then. There was JİTEM in the region, I mean, they were there on the street, on patrol, twenty four hours a day. And they would take you in if you asked too many questions, there was this fear. (...) No one dared ask too many questions. When someone went up to them and asked they would say, 'don't ask too many questions, or else you'll go where they've gone'. (...) To put it simply, there was no one, either an institution, or a prosecutor, or a court, anything, where you could go and say 'these people are innocent' and ask 'why have these people been taken?'. No one showed support. Whoever you asked, they said, 'I don't know'."[81]

Institutional collaboration is also one of the most significant factors that contribute to the recklessness of the perpetrators. The perpetrators who believed they would never be tried, knew that everything they did would be deemed legitimate in the war against the PKK, and drew strength from the silence surrounding the disappearances. They considered themselves above all the legal norms in the region they operated. Their structure outside formal military hierarchy, formed of informants-soldiers-village guards, their exemption from accountability to their superiors, and the fact that they were often in civilian clothes, underlines their special structure beyond military hierarchy. This is how, in the Temizöz and Others file, the secret witness Tükenmez Kalem explained the 'span' of their range of movement: "Three things could happen to people we detained: Either they accepted becoming informers/agents, and we released them, or we interrogated them and dispatched them to the court with their documents, or we executed them."[82]

In brief, the state is not a single, monolithic structure, but it seems that throughout the 1990s, regarding the enforced disappearances, it did manage both to establish institutional coordination and unity, and to convince a large section of knowledge-production fields such as the press, academia and the civil society to act according to the necessities of this unity. Such unity, no doubt requires letting local teams to act according to their own interests, whether personal or economic, and the allowance of certain autonomy. But the concept remains the same: The classification of citizens in the OHAL region as 'supporters or opponents of the PKK' within the framework of the 'struggle against terrorism', the punishment in the most violent manner of supporters of the PKK, and if necessary, the destruction of their bodies. Local teams were free to improvise within this concept, as long as territorial dominance was successfully secured. Even if 'territorial dominance' necessitated for some to be encouraged, provoked and supported by all means in their actions, and for some others to be burned, broken and destroyed.

80 Interview: Şırnak-Cizre / 16.10.2012

81 Interview: Şırnak-Silopi / 30.11.2012

82 Quoted by Elçi, T. in "Türkiye'de Gözaltında Kayıplar" (Disappearances in Detention in Turkey), 2009:92.

B) Experiences of Relatives of the Disappeared

In her article on enforced disappearances, which was written at a very early date and thus constitutes one of the first works in this field, Professor Gökçen Alpkaya separates the disappeared into three groups. In the first group she places militants of leftist organizations that are carrying out an armed struggle; in the second group she places renowned Kurds such as the provincial and district administrators of the People's Labor Party and its successors, the staff of *the Özgür Gündem newspaper,* trade unionists and members of the Human Rights Association, who live in the cities and openly express their dissident identities; and in the third group she places Kurds who live in the OHAL region.[83]

The disappeared with whose relatives we carried out interviews in Şırnak mostly belonged to the third group according to Alpkaya's categorization. Kurds from all age groups and all professions were forcibly disappeared. In the semi-structured interviews we carried out with relatives of the disappeared, we tried to reveal both the story of their relative's disappearance, and the experiences they had in the aftermath of the disappearance. This is because there is in fact a very strong relationship between the disappearance itself, and the experiences of the relatives of the disappeared while they try to find out about the fate of their relative.

Therefore, this section of the report focuses on the experiences of the relatives of the disappeared. This experience includes both the disappearance and its aftermath. We wanted to convey this experience via the most repeated and referenced concepts during the interviews. As they talked about the process of disappearance or the experiences of its aftermath, relatives of the disappeared constantly returned to these concepts, underlined them, alluded to them, or clearly expressed them. These concepts were the state, the search, justice, citizenship, the absence of graves and politics.

83 Alpkaya, G., 1995:45.

1) The State

For almost all relatives of the disappeared, the enforced disappearance of their relative was not the first time they had encountered the state and the practices produced by its strategy of 'protecting territorial dominance' implemented in the 90s. In the vast majority of narratives, rights violations such as being forced to become village guards, village evacuations, forced migration and unlawful and arbitrary executions were mentioned as experiences before the disappearance. Therefore, relatives of the disappeared were already familiar with the state and the strategies it implemented in the 90s. This familiarity is also important in that it reveals that the state, in the 90s, in the OHAL region, put all these instruments into practice simultaneously.

The totality of state strategies in the 1990s

In terms of the villages, pressure to become village guards was one of the issues that stood out. The actors of the state in the region expected the institution of village guardsmanship to serve as a litmus test that would differentiate those who were loyal to the state from those who were against it. Therefore, if village guardsmanship, accepted as the expression of loyalty to the state, was rejected, then families were forced to migrate. Being forced to accept village guardmanship and forced migration in cases of rejecting it were the most widespread state practices relatives of the disappeared encountered before disappearance. This is Sait Fındık's account of how they were forced to become village guards:

"How to put it, we suffered a lot of pressure to accept becoming village guards. (...) We didn't accept it, we didn't concede. We told them, 'the bread we earn is enough for us, no one meddles in our business, we won't meddle in others'. We

cannot carry that gun, it is not our duty.' We had that awareness already, we also said, 'why are you forcing us to do something which is not our duty, we won't do it'. (...) So there was intense pressure. (...) 'Everyone else, villages from all the tribes are becoming village guards, why aren't you? Don't you love your state?' That was the kind of pressure we faced. For instance, there was the highway patrol, there is the BOTAŞ military station, protected by tanks, and the tanks, and the eight-wheel panzers would constantly wander, twice a night, as the road patrol. There was this road patrol, and every time it passed by, the anti-aircraft guns would open fire. How do they say it in Turkish, they opened fire so the bullets would pass over us, to frighten and intimidate us. Everyone slept on the roofs; there were no modern air conditioners. In the summer, everyone slept on the roofs."[84]

Acts carried out against villages where the villagers did not accept becoming village guards are described in detail in the accounts of the relatives of the disappeared: Gathering all the men in the village square and collecting their identification documents, then keeping them waiting for hours in the village square while they are constantly sworn at and insulted by the soldiers, opening fire on the village, groups of soldiers raiding homes and beating up the house folk one by one. If the village population persists in refusing to become village guards, then the acts described above are followed by the forced evacuation of the village, or if a certain group of villagers refuse, then the homes of those who refuse to become village guards are burned down or destroyed, and they are forced to migrate. The majority of the relatives of the disappeared also witnessed the execution of civilians, and Hizbullah executions in the place they live. Therefore, relatives of the disappeared already knew about, even before the enforced disappearance, the systematic rights violations of JİTEM forces. They consider the disappearance of their relatives as a part of the integrated repertoire of the 90s.

84 Interview: Şırnak-Silopi / 14.10.2012

The perpetrators and JİTEM as a mechanism of death

Relatives of the disappeared list the perpetrators of the enforced disappearances as Cemal Temizöz (Temizöz is referred to as Captain Cemal, the Major, or Cemal Temiz), Kamil Atak (Kamo), and the informants Bedran and Hakim. For those who were disappeared in places other than Cizre, they list the persons they believe to be the perpetrators one by one, and when they do not remember their surnames, they add their ranks. Koçero Saluci, Sıtkı Tatar and Ramazan Erkan were mentioned as members of the JİTEM Silopi group. The memory of the relatives of the disappeared regarding these names is immensely powerful; they state that they will never forget these names. Remembering the names of the perpetrators also means not forgetting the names that will need to be listed if one-day justice does prevail. Relatives of the disappeared state that the perpetrators work for JİTEM, that 'they are JİTEM'. They explain that JİTEM teams were allocated according to districts and settlements, that there were teams known as Cizre JİTEM, Silopi JİTEM, Beytüşşebap JİTEM and Uludere JİTEM, and that JİTEM was the structure responsible for the whole. For instance, this is how Serdar Tanış's father Şuayip Tanış responded to our question regarding the length of time Levent Ersöz, whom he considers responsible for the disappearance of his son, had been posted in Silopi at the time of the disappearance:

"I swear to God I don't know, I don't know if he was already there, or if he had just arrived. It had been two years; it was after he had been appointed the head of JİTEM for Turkey. He was the head of them all."[85]

The JİTEM teams' unlimited range of movement was highlighted by all relatives of the disappeared, and also by other rights defenders, institution representatives and lawyers in Şırnak. A relative explained it with the words, "Back then,

85 Interview: Şırnak-Silopi / 16.10.2012

everything was in JİTEM's hands, it all belonged to the military."[86] This view was repeated, in different ways, in almost all interviews: The information that was oft-repeated includes the fact that all the authority during that period belonged to military forces in general and the counter-guerrilla structures known as JİTEM in particular; these forces threatened anyone they liked, detained people stating they were taking them into interrogation and tortured them; the forces executed civilians and disappeared people and that there was no authority above these forces. The rights defenders and lawyers we interviewed also underlined the flexibility of the counter-guerrilla structure known as JİTEM. They stated that these forces sometimes worked with informers from whom they only received intelligence, and that therefore, the names of these informers were not officially registered anywhere; that they worked with some informers only once, and that therefore the names of such informers were registered in official files only once and in relation to a single incident; that there was a very arbitrary nature to their operations; and that these forces carried out executions and disappearances for personal economic gain, or to eliminate personal enemies. Therefore, once again, we are talking about a loose federation-type organization that came together around a certain concept, but had significant autonomy on the local level, and was formed of units that carried out operations in their own areas with a view of their own personal and economic gain.

Location, relations and 'the Temizöz industry'

In the interviews, the geographical features of Şırnak, and especially the fact that it was a city in the border area that hosted a high volume of border trade via the Habur Border Passing was often emphasized. It was also stated that JİTEM controlled the trade around the Habur Border Passing, that all smuggling and other forms of trade were carried out by paying bribes to JİTEM elements, and that the control of the Habur Border Passing played a significant role in terms of JİTEM's sources of income. All such 'trade activities' performed or supervised by JİTEM are presumably carried out within the local autonomous structure of special warfare forces. This is how a human rights defender from Şırnak explained the structure:

"Habur was a real industry, Habur was a proper economy. Habur was controlled by the special forces. I mean, all these activities, these JİTEM activities, or other activities in the West, were financed from Habur. Figures involved in some very dirty business got involved, the heads of the village guards (...) and then the JİTEM commanders, the mayors (...) during that period. I mean, there was the smuggling, theft of vehicles, extortion money, heroin, all sorts of business. Because their authority was so broad, it was an autonomous field. It allowed for all manners of arbitrary acts."[87]

Another issue that we frequently recorded in interviews was the demand for ransoms, described by a human rights defender in Şırnak as the 'Temizöz industry'. The vast majority of the relatives of the disappeared we spoke to mentioned that certain people would turn up claiming that they knew where the disappeared person was, and that they could arrange the release of the person if a certain amount of money was paid to them. What's more, the vast majority of the families of the disappeared had paid the demanded sum to the person involved.[88]

Another issue often mentioned in relation to the counter-guerrilla teams was the issue of 'head money'. All the relatives of the disappeared believed without hesitation that JİTEM team members received a certain amount of money from the state per every person they killed, calling it 'head money'. In fact, because of the wide use of this reference to 'head money' some relatives of the disappeared used the terms 'the

86 Interview: Şırnak-Silopi / 15.10.2012

87 Interview: İstanbul, 11.01.2013

88 Detailed information on this topic is available in The Search section.

JİTEM gang' and 'the head-hunters' together and interchangeably. There is one story about Adem Yakın in particular that was repeatedly told by many interviewees. Apparently, Adem Yakın one day came to the battalion and boasted, "I've killed the hundredth man, I've taken head money for one-hundred men; one-hundred, easier said than done, give me a glass of rakı." Equally important as whether this practice of distributing 'head money' in fact did exist is the fact that the people we interviewed believe that the state has formed special teams to have its own citizens hunted and murdered, and paid a fee for each execution.

Another element was the white Renault Toros car that was mentioned by almost all the interviewees. The white Renault Toros car used by the JİTEM team was highlighted in interviews we conducted both in Cizre and in Silopi. This white car was the car that they used both to take the person they were to interrogate, and to do their other work. The white Renault Toros was the death car for all of Şırnak. Not only in Şırnak, but across the entire region, JİTEM teams used similar white Renault Toros cars; people were taken into these cars, and then forcibly disappeared; people who came out of these cars carried out daylight executions in the middle of the street; people who were taken into these cars very rarely got out alive. One of two people who were children in Cizre in the 90s, said the following about the white Renault Toros while they provided information about the period:

"The JİTEM team had a white Renault Toros. Bearded men, dressed plainclothes, all of them, but with wireless radios in their hands. The cable of the radio would dangle from the car. Once that car began to patrol the street, it meant the death team was on duty. The moment they saw the car at the head of the street, everyone would flee to their homes. Not a single person would be left on the doorsteps or in the street, the moment they saw the car come, everyone would run inside."[89]

89 Interview: Şırnak-Cizre / 04.09.2012

The State and the state of exception

The death teams, referred to as JİTEM by the people we interviewed, operate within a wide network of relations which include, in addition to their permanent members, people who are recruited for specific tasks, or those who are only used to gather information, or show locations. So, to what extent do these teams represent the state in the eyes of the relatives of the disappeared? Or perhaps the question needs to be formulated differently: what did the structure of the state, which they encountered every day through various practices, represent for the relatives of the disappeared? At the outset, it is necessary to state that in many interviews, JİTEM and the state were used as identical concepts. In the OHAL region in the 90s, JİTEM meant the state, and the state meant JİTEM.

"Who, you ask me? Who has been our enemy since that period, to this day? The state. Is that not the case? It is the state. We do not suspect any other agency but the state. If it were not the state, my brother had been missing all this time, the state should have been looking for, and asking after my brother. The state has never asked me anything about my brother, 'so where is he, what happened to your brother'."[90]

Throughout the 1990s, the central apparatus of the state governed the region where enforced disappearances took place in the most concentrated manner with a state of emergency regime. A state of emergency is one of the forms of implementation of the state of exception. The state of exception, in Agamben's words, is the state in which the sovereign is both inside and outside the legal system, and holds the legal authority to suspend the validity of law. One must not forget that the relationship between the rule and the exception is not a simple relationship of generality and specificity, but a relationship that is reciprocally constituted, and makes both sides possible. According to

90 Interview: Şırnak-Silopi / 15.10.2012

Agamben, the state of exception is the norm itself; the sphere of absolute power regarding when, how, and on whom the state will exercise its power of disposition on human lives and bodies, is inherent to the modern state.[91]

Therefore, the events that took place in the OHAL region of Turkey in the 1990s, should not be interpreted as part of chaotic circumstances where the state had lost its legal, political and military control, but quite to the contrary, as the state creating an exceptional, unlawful and unaccountable situation where it could consciously suspend its legal responsibilities to act more comfortably. This is probably the reason why, for the vast majority of people we interviewed, JİTEM and the state represented the same structure. To give a few examples:

"What can I say anymore, they were renowned people, often they were well-known people, people who were leaders of the community, and they are all gone now. The state said, if these people are acting as leaders now, they might do even greater things in the future. Therefore, it was mostly people who were leaders, well-known people who were disappeared."[92]

"(Regarding JİTEM) When you look at it, you see they are the men of the state. Anyway, they were the enemies of the people during that period."[93]

"(...) so the state murdered us, and disappeared us. This is how the state is, if the state had a conscience, if it had any justice, how is it that it murders us, disappears us, what can we women do about that? Tell me (...) Is that all this state has done to us? Treason prevailed with these MİT and village guard agents. It was all the work of the village guards."[94]

However, by including local elements in the death team, the state localizes, too. As we mentioned above, by gathering information both on the site and on social relations in that site, it acts according to that information, and embeds itself in the site by completely localizing its modus operandi. Informants and village guards are two elements that enable this. The village guards provide the team with the information on intertribal relations and the distribution of power, while the informants provide the information on relations between the PKK and society, and the ways in which these relations are established. For instance, the fact that Kamil Atak was a member of the Tayan Kerevan tribe meant that he himself as the head of the village guards, and his armed men, people who were part of Cizre's social life and had established relations with the community due to their relatives and spouses, were included in the mechanism of death. Therefore, village guards and informants are perceived by the relatives of the disappeared we interviewed as people who handed over the information of their own society to the death team, and face a very strong and violent reaction. The undisciplined, brutal, avaricious and murderous nature of these 'head-hunters' was emphasized by almost every single interviewee. Thuggish and avaricious acts such as the confiscation of the possessions of the disappeared, the seizure of their cars and consequent use by the JİTEM team, the cutting off of their fingers to take their rings, and the usurpation of the money they were carrying at the time of their detainment were mostly attributed to informants or village guards. It is precisely when such events are remembered that the word 'state' was also used as a structure that indicated practices unlike such dirty practices. Ömer Candoruk was forcibly disappeared, his body was later discovered, however his finger had been cut off to steal his ring, and his car was also seized by the JİTEM team. This is how his wife Hanım Candoruk uses the term 'state':

"Cemal Temizöz used to live in the lodgings, he was ranked captain, everything in Cizre was in his hands. If I had made a mistake, he should come

91 Agamben, G. *State of Exception*, 2008:24.

92 Interview: Şırnak-Silopi / 15.10.2012

93 Interview: Şırnak-Silopi / 14.10.2012

94 Interview: Şırnak-Cizre / 01.09.2012

and take me, but I made no mistake, so he couldn't arrest me. But during that period, they brought this disaster upon these people. He made friends of those dogs, he shouldn't have, I told him so in court. 'Someone like you, a state official, how could you befriend these dogs? You killed all those people, did you never think it was a shame, or an act of sin?'"[95]

These were the only instances when the term 'state' was differentiated from the JİTEM teams by the people we interviewed. This differentiation was made to question the tolerance shown to those who transgressed the boundaries of the state that were defined by the law. In such brief moments, and apart from contrasts that were perhaps created on purpose, the fact that JİTEM was the state and that in the region, the state was JİTEM was expressed in a manner that left room for no misunderstanding whatsoever. For the people of the region, perhaps because it has been inscribed so violently on their bodies, this piece of information is very clear: "No one knows better than the state: who is killing whom, and how."[96]

2) The Search

An endless search begins with the story of those that remain after the forcibly disappeared are gone. This is precisely what the state wants; those who remain must both know and not exactly know who is responsible. As Calveiro states, it is the way in which enforced disappearance both reveals and denies itself that makes it so terrifying.[97] Those who remain, begin the search to find the one that has disappeared, and to find answers to all these unknowns.

The International Convention for the Protection of All Persons from Enforced Disappearance, the convention that civil society organizations in Turkey are pressuring the government to sign, was adopted in 2006, and entered into force in 2010. In 37 of the 91 countries that signed the convention, the convention was ratified in accordance with the domestic laws of that country.[98] The UN Convention introduced two new definitions of rights. The first was the right not to be forcibly disappeared; the second was the right of the victims to know the truth. This broadened the definition of the victim to include not only the person who was physically disappeared, but also those directly affected by it. To deny relatives of the right to know the truth is a human rights violation; and the state it draws the person into is a constant search for the truth. For those who remain search both for the disappeared and for the truth.

In the work we do at the Truth Justice Memory Center in order to document the instances of enforced disappearances that took place in Turkey and mostly during the 1990s in Kurdish cities, to support the related legal struggle and to render the issue more visible, this is the main reason we emphasized and prioritized interviews with the relatives of the disappeared, among many other methods of finding out about the stories of the disappeared. Those who remain are in some instances direct witnesses of the event, and in every instance, suffer the direct impact of the disappearance. This is precisely why, for us, the story of disappearance is not only a story of the disappearance itself, but also of the aftermath. What defines the lives of those who remain is the fact that the story of the disappeared condemns them to a life of constant search.

The first days: A glimmer of hope

The maltreatment suffered by those who remain is not only because their right to know the truth has been breached; after all, the method of enforced disappearance, as a systematic strategy of the state, is designed to target

95 Interview: Şırnak-Cizre / 04.12.2012

96 Interview: Şırnak-Cizre / 16.10.2012

97 Calveiro, P. "Torture in the heart of 'democracies'", 2008. http://www.boell.org/downloads/Calveiro_torture_democracy.pdf

98 http://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-16&chapter=4&lang=en

those who remain, or in a sense, the whole of society. The fear caused by the feeling of not knowing, the anxiety caused by the fact that the same fate might befall anyone and particularly, the alarmed state of the immediate aftermath of the disappearance when relatives feel that the disappeared is on the line between life and death... This is the biggest difference between enforced disappearance and other unlawful and arbitrary forms of execution. As Alpkaya also states, relatives of the disappeared never abandon the hope that the disappeared might be alive, and therefore hesitate, at least at first, to challenge the issue fearing a wrong move might lead to the death of the 'disappeared' person.[99] However, on the other hand, because the feeling that the person is alive is much more dominant during those early days, they try to do all they can to find the disappeared before something irreversible happens.

The marked role of state institutions that possess the right to detain in enforced disappearances, which is also the reason why the term 'missing under custody' is used more widely in Turkey than 'enforced disappearance', determines the institutions addressed during this first period of search. However, while in İstanbul it is police stations that are the point to which relatives turn because they are the state institution that uses the authority to detain, in Şırnak it is the gendarmerie command headquarters that are the places where the fate of the disappeared can be investigated. And according to the accounts of the relatives of the disappeared in Cizre, village guards in particular used the basements of their homes as detention centers and interrogation rooms. During these first days, the prosecutor's office is thus not a stage in the search for justice, but in the search for the disappeared.

"In the beginning, I thought we could save Nazım during those first three or five days, I did have hope that hey might release him. But once a week passed... We do not expect anything from the legal process anyway, we were just struggling so they might release him."[100]

While the field of justice continues to rove on the borders of the field of politics, it never occupies an independent position above politics. Particularly under the emergency state conditions implemented in the region, law is not replaced by unlawfulness, the system of justice continues to exist with all its institutions, however, its operation is suspended.

"The state said, the prosecutor back then was their friend, too. If the prosecutor weren't the judge's and Bedran's friend, God forbid, if someone hanged himself or herself in the neighborhood, I would go and say, someone in the neighborhood has committed suicide. Shouldn't the prosecutor and the judge come and check, demand my statement, wouldn't I be summoned to the station? Isn't that what the law is about, what the state is about? Shouldn't they ask why this person has killed himself? Shouldn't they ask his mother and father? They would take a witness to court a thousand times. But the prosecutor didn't even ask us once, he was Bedran's and Captain Cemal's friend, and he didn't even ask us about it."[101]

The person who gave this account of events is Hanım Candoruk; the wife of Ömer Candoruk, who was disappeared alongside Süleyman Gasyak, Abdülaziz Gasyak and Yahya Akman. Leyla Gasyak, the wife of Süleyman Gasyak, dug out the bodies of these four people from the place where they had been buried with her bare hands. The prosecutor, who came to carry out the crime scene investigation, did not invite the families to provide statements for the investigation although the identities of the murdered had been determined. As we quoted above, Leyla Gasyak's expectations when she immediately went to the prosecutor the day after she did not hear from her husband, and her expectation from the prosecutor's office to find the perpetrators after she had discovered the

99 Alpkaya, G. 1995:50.

100 Interview: İstanbul / 29.08.2012

101 Interview: Şırnak-Cizre / 04.12.2012

bodies are different.

"You know, during that period, there was JİTEM, and they didn't care if it was human or animal. They could kill anyone and no one could say, 'such and such happened'. If you dared to speak up they would fill your skull with bullets. We did not know what to do, we waited, and eventually we went to the prosecutor's office and said, 'we have a complaint, we have a problem'. And the prosecutor told us, 'go back to your homes'. He then added, 'the whole world is like this,' and he did not let us do anything."[102]

The village guard system, which was introduced in the region in 1985, emerges as both cause and actor in accounts of disappearances. The fact that the disappeared person refused to become a village guard is an often-mentioned issue. The village guard system is another aspect of the hegemony the state is trying to establish in Kurdish cities. According to Balta-Paker, quoting Vedat Yenerer who worked as a journalist in the region in the 90s, "In the villages, everyone knows the news about each other. Almost everywhere, neighbors are also relatives. If a relative does not turn a brother or a relative in, it is perceived as providing support. Especially the refusal to become a village guard is perceived as an expression of sympathy to the PKK."[103] In this sense, the acceptance of becoming a village guard is perceived as the preference to support the state. In many enforced disappearance cases we tried to gather information on, it can be no coincidence that especially people who have a certain influence and were among the notables of a tribe or a settlement were disappeared after they refused to become village guards. However, it is precisely because of these local networks, kinship ties and the most fundamental factor, the fact that they have a more detached relationship with state institutions, that a village guard who speaks their language can seem closer to a relative of the disappeared than the gendarmerie official to whom the relative has trouble in explaining the problem in Turkish. And relatives, in their search for the disappeared person, do not only go to the village guard they believe has abducted their relative, but also to other village guards who have certified their allegiance to the state, who are deemed to be capable of contacting state institutions on a more equal footing.

In the specific example of Cizre, we also observe that Kamil Atak transformed into profit, in a variety of ways, the constant search for the relatives of the disappeared. Kamil Atak, the head of the village guards, was elected Mayor of Cizre on 27 March 1994. 1994 was the year when the highest number of enforced disappearances took place. In many interviews, we heard accounts of how, before the municipal elections, Kamil Atak promised the people of Cizre that he would find their disappeared relatives if they voted for him. The strategy of disappearance, by vesting the privilege of access to the knowledge of the unknowable to its perpetrator, further consolidates his already powerful position.

It wasn't only Kamil Atak who transformed the search of the relatives of the disappeared into monetary advantage. A frequent occurrence was the case of people who claimed they could find access, or an intermediary who would provide information on the whereabouts of the disappeared in return of payments from the families. There are many families who mobilized all their resources to pay such people without knowing what precisely they could achieve. The most extreme point of this 'economy of the disappeared' is the sums paid directly to those who were, or stated they were the perpetrators of the case.

"They took us together, me and my brother. (...) Two people came, they were armed civilians. 'The court in Nusaybin wants you, you will come with us,' they said. 'Fine,' we said. We got in the car and went to Nusaybin. (...) In Nusaybin we stopped at a place close to the coach terminal, they took us to the military station there. Then they said, 'this is between us, you will go and bring 100 million liras

102 Interview: Şırnak-Cizre / 04.12.2012

103 Balta Paker, E., 2010:419.

to us. We will release your brother when you bring the money.' 'Alright,' I said. When we went to hand over the money, they said, (...) 'stay there, we will bring your brother.' But the money was gone, and so was my brother. We shouldn't have given them the money. And that was the end of it."[104]

Independent from the outcome, participating in this 'economy' is of course directly linked to the economic circumstances and the social class of the disappeared person. And again, the social relations brought on by the class position is also an area where the nature of the search varies. Some can access many people through the networks their class and economic circumstances bring, while others have to deal with the entire situation alone. Following the enforced disappearances of Yusuf Kalenderoğlu, Mehmet Dansık and Ahmet Dansık in Silopi in 1995, almost every member of the Kavallı Village where Mehmet Dansık previously, and Yusuf Kalenderoğlu later acted as village head, could go to the Silopi District Gendarmerie Squad Command to ask about the disappeared. When such relations do not exist, and particularly when the person left behind is a woman who has to make a living for a family with small children, the responsibility or direct intervention of the children she is obliged to take care of can directly prevent the active search for the disappeared.

"My children told me, 'mother, we won't go outside, they will kill us, too.' For six years, those children did not step outside to go and play with the other children downstairs. When I told them, 'I am going to the corner shop to buy some bread', they always said, 'mother, mother, don't go, they will kill you, too, then who is going to look after us'. I would get up in the morning and find their pillows in front of the front door, lined up. I would ask them, 'son, why do you put the pillows here,' he would reply, 'mother, we are afraid, they will come one night, take you, and kill us'. As if they could not enter when the pillows were there."[105]

104 Interview: Şırnak-Cizre / 12.10.2012

105 Interview: İstanbul / 25.07.2012

"My children did not allow me to go, all three of them hugged me and cried. 'Mother, don't go, they will take you away, too,' they said."[106]

As we mentioned in the beginning, the main purpose of enforced disappearance is the creation of such fear, the fear that anyone could fall into that unknown one day. The search for a disappeared person is often used as a threat that augments this possibility on those who remain. Hasan Karakoç, in the interview we conducted about his brother Rıdvan Karakoç, gave the best account that summarized this: "To claim the disappeared in the struggle for the disappeared, was in a way to become a candidate for enforced disappearance."[107]

"Three or four times, a white car, a Renault, they had no number plates anyway, or they would change them, three or four times, scraped against my knee in the market place, and they said to me from the car, "your days are numbered"... And one day, in that street there, they cornered me again."[108]

"Bedran twice stopped me in the street. (...) There were no police officers around. If it was not for the people around us and the passing cars, he was going to take me away and kill me. (...) Yes, he told me to withdraw my complaint. And I told him I wouldn't."[109]

There are many such examples, and when viewed from today, to have been threatened in this manner might seem to have had not much of an impact in terms of the relatives of the disappeared who continue their struggle today. However, there is definitely an inherent fear in the narratives, particularly in Silopi and Cizre. The entire process of active search, or the failure to do so with endless regret, is in fact in order to save the disappeared from being murdered.

106 Interview: Şırnak-Cizre / 02.09.2012

107 Interview: İstanbul / 06.10.2012

108 Interview: Şırnak-Silopi / 30.11.2012

109 Interview: Şırnak-Silopi / 14.10.2012

However, in a month, this process ends and a new search begins.

Is there a point where all hope is lost?

Berfo Kırbayır died at the age of 105, before the bones of her son Cemil Kırbayır could be found, and the official promises made to her were met. In the village she lived as long as her health permitted, she always left the door of her home open, hoping that Cemil would return. This feeling of 'could he still be alive?' while saying 'I am searching for his bones' is actually an obscurity that provokes the search and the effect of the failure to find the bones on the failure to accept the death.

"For ten years my children asked, where is our father? I wonder, what happened? We had a white car back then, and for five years, I stopped when I saw a white car, thinking he might come out of it and say, 'where are you going'. Five years passed with that dream; every time the doorbell rang we were scared, thinking it could be bad news. Murdered here, murdered there. We were waiting, we waited for a very long time."[110]

"We are not at peace because nothing is clear. Believe me, even now, when cars pass, when cars brake in front of me, I find myself thinking, maybe it is he, and maybe they will release him and go. For years, at one o'clock, two o'clock, when cars, panzers, official vehicles braked in front of our door, I thought, perhaps it is they, or he might have told them, 'it is my nephew's house, leave me here, I will go upstairs'. In other words, I continue to live in dreams."[111]

"There were times when she had everyone in a haste, she insisted that she must go to İzmir, that he was somewhere there, that she had received news. And so both to keep my mother a bit detached from this issue, and to stop her from wearing herself out, we formed this protective shield around her. But she still wouldn't believe he had died. She picked up the phone, and she would attribute meaning to every silent phone call we got. Things like, 'he was on the other end of the line, but he didn't speak. I told him to come back, I told him this, I told him that.' Then she would tell me about it, stuff like, 'he called again the other day'."[112]

What we encountered more frequently was the acceptance of, or feeling the necessity to accept, the death of the disappeared person although the body has not been found. However, this does not mean that the struggle is over, the search continues, inherited by every new generation. The children, if there are any, of the disappeared are presently the most important actors of the search process. Although some do not remember the event of the disappearance itself, the stories they have listened to have now become their stories, too. There are also those children who were present when we conducted these interviews; the stories are not withheld from them, they are shared, and the story they grow up with is one where fear and courage exist side by side. We do not know yet what meaning they will ascribe to the stories they are in the process of taking over.

Collective Struggle

As in similar cases across the world, the struggle in Turkey of the relatives of the disappeared has also poured out into the street. First, in 1992, the Human Rights Association organized a campaign on enforced disappearances, this was the first campaign organized in Turkey on the issue. Three years later, in 1995, the Human Rights Association organized a broader campaign with the Human Rights Foundation of Turkey.[113] The same year, the Saturday actions, the first of which was organized on 27 May 1995 in Galatasaray Square in Istanbul by human rights activists and relatives of the disappeared,

110 Interview: İstanbul / 10.08.2012

111 Interview: Şırnak-Silopi / 30.11.2012

112 Interview: İstanbul / 25.06.2012

113 Öndül, H. "Zorla Kaybedilme" ("Enforced Disappearance"), 2011. http://ihd.kardaizler.org/index.php/makaleler-mainmenu-125/2376-zorla-kaybedilme.html

placed the issue of enforced disappearances on the agenda and helped it become more widely known. Following the discovery in a common grave of the tortured body of Hasan Ocak 58 days after he was disappeared in Istanbul; the revelation that Rıdvan Karakoç, too, had been disappeared during the search for Hasan Ocak's body; and during the same period the enforced disappearance of Ayşenur Şimşek, around 50 human rights defenders and relatives of the disappeared came together. Following the example of the Mothers of the Plaza de Mayo in Argentina, they made a call for a regular, silent action, demanding that "those missing under custody be found, and those responsible be tried," and gathered on 27 May 1995 in Galatasaray Square for the first time. This action was repeated every week until the 200th week. However, during that period, while the strategy of enforced disappearance continued, there was an intense attempt to suppress this action to announce the issue. Following this constant pressure, relatives of the disappeared suspended the Galatasaray actions on 13 March 1999, stating, "For us, Galatasaray Square is everywhere, we will continue the search for our disappeared."[114] Following the preparation of the bill of indictment for the Ergenekon case in 2008, the actions recommenced on 31 January 2009. The fact that people responsible for enforced disappearances were also being tried within the scope of the investigation necessitated the actions.

The Temizöz and Others case that began in 2009 had a great impact on the commencement of the Saturday actions in Cizre, which we had the opportunity to follow closely during our visits. Relatives of the disappeared who travelled from Cizre to Diyarbakır to follow the case began their first actions in the courtrooms. As a result of a meeting held in 2011 between a group of lawyers and human rights defenders following the Temizöz and Others case and the relatives of the disappeared, the first Saturday action in Cizre took place on 29 January 2011.[115] Now, every Saturday, relatives of the disappeared take to the squares in Istanbul, Diyarbakır, Batman and Cizre, carrying photographs of the disappeared.

"Perhaps my greatest wish is that we do not give up going to Galatasaray Square, this is my opinion and view, but I think this is the way to make our voices heard to the world so that people are no longer disappeared under custody. Let us not let them disappear people under custody. This is my first, personal wish, and the second is that when we lift the photographs, I want those who tortured the disappeared, who strangled them with wire, who burned their skin with melted nylon to suffer pangs of conscience, and come out and confess, I had such and such person buried in such and such place, or I am the murderer of such person. Perhaps they will feel pangs of conscience and come out and speak. Perhaps they will show us to a gravestone, that is why Galatasaray is very important for me. I do not want to give up on it."[116]

When she lifts that photograph, Hanım Tosun still speaks to someone's conscience, looking for her husband, she wonders if someone will turn up and tell her where he is. The continuing collective and organized struggle of the relatives of the disappeared is important both because it shows them they are not alone in facing this experiencing, and because it empowers them in this search process. However, the interviews we conducted in Istanbul, Cizre and Silopi reveal that the meanings of Saturday actions are different for the relatives of the disappeared in Istanbul. Out of the 69 interviews we conducted, only seven are about enforced disappearance cases that took place in Istanbul; the other six interviews we carried out in Istanbul were with relatives that migrated to Istanbul after the enforced disappearance. Because of their unfamiliarity with the city, and the hardship caused by the financial conditions of Istanbul, for

114 Interview with Maside Ocak. http://www.siddethikayeleri.com/portfolio/her-kayip-yakini-sevdiginin-son-sozunu-bilmek-ister/

115 Interview and report with Veysel Vesek. http://hakikatadalet-hafiza.org/duyuru.aspx?NewsId=118&LngId=1

116 Interview: İstanbul / 25.08.2012

them, Galatasaray Square is a place where they meet with people like themselves.

"It is a source of comfort for us, we know that everyone there is like us. We do not have graves, let us meet there and talk, we share the same trouble. When I go there, and I will speak frankly, I feel good. I find solace, because they are like me, they share the same trouble. We have to, there is no institution we can apply to, where else can we go. Wherever we went, the state closed its doors in our face."[117]

The actions of the relatives of the disappeared in Cizre that has continued for more than 100 weeks continues, contrary to Istanbul, without much support from non-governmental organizations, human rights defenders and lawyers, and solely on the basis of the sheer determination of the relatives of the disappeared. Facing the police station, they gather in front of Cizre High School, as a group mostly made up of women. Those who gather in Cizre are not only relatives of the disappeared, after all, it is not that easy to make such a distinction in this region, or to explain it to someone who has survived. The perpetrators of all cases are known, and none of their relatives are here anymore. The dominant feeling here is not the reinforcing sentiment to be together with people who have experienced similar pains as it is in Istanbul, because there is a similar story in every home here. However, this 'plenitude of stories' in Cizre clearly brings no acceptance, and a struggle that pushes the boundaries of the search we have described here is perceived as an obligation.

"We have to ask after our people, don't we brother. Today, we want these people back, we are right, whatever we do now, we are right. On Saturdays, we will take these photographs wherever they tell us to. We went to Silopi, we carried our photographs, we went to Diyarbakır three times, and there we did the same. (...) Because I want my husband back, and I have done no injustice to anyone. I am looking for my husband. I have to find him."[118]

3) Justice

From the viewpoint of the relatives of the disappeared, the history after the disappearance can be assessed in two terms with regard to the search for justice: before and after 2008. There are almost no cases that reached a conclusion before 2007, however, after 2007, and especially within the scope of the Ergenekon investigation, the events of the 90s once again became an issue of debate. When in 2008, Veli Küçük, a highly infamous figure in the region, was detained, the demand to expand the investigation to include "the other side of the Euphrates" was voiced, and the Ergenekon case, especially during its first phase, created great excitement in the region. In March 2009, upon the petition filed by the Şırnak Bar Association, official excavations were carried out in the Sinan facilities and the BOTAŞ pits, and bones were discovered.[119] During this period, the Şırnak Bar Association gathered petitions from 120 complainants and made attempts to initiate the files of the disappeared and the victims of unsolved murders, and to revive the files of those cases where a file existed yet no conclusion had been reached.

The Ergenekon and Balyoz investigations

When the Ergenekon trial began, relatives of the disappeared also made attempts in their pursuit of justice. İslam Zeyrek, the elder brother of Mursal Zeyrek who was forcibly disappeared in June 1994, discovered that Serdar Öztürk, who had detained his brother three times before he was disappeared, was being tried in detention within the scope of the Ergenekon case. This is how İslam Zeyrek described during our interview with him the relationships within Ergenekon:

117 Interview: İstanbul / 10.08.2012

118 Interview: Şırnak-Cizre / 02.09.2012

119 "Silopi BOTAŞ Kazısında Kemikler ve Bezler Bulundu" (Bones and Rags Found in Silopi BOTAŞ Excavation) , Bianet, 10 March 2009, http://bianet.org/bianet/bianet/113040-silopi-botas-kazisinda-kemikler-ve-bezler-bulundu

"Serdar Öztürk prepared the death file, and it was given to Habur Border Gate Gendarmerie Squadron Captain Kenan Topçu, adding, 'when I need him you will turn this man over to me.' I think that is what it means, that is my view of it. (...) Because Serdar Öztürk prepared the file, and he and Habur Border Gate Gendarmerie Squadron Captain Kenan Topçu (...) these people were connected. Serdar Öztürk, for instance, this man served for a few years in this country but no one knew which military squad he was affiliated with. What his mission was, no one knew, as far as we could find out, he was the hero of the mother of war, Tansu Çiller, he was their good son, he obtained the contract to kill the Kurds. His squad was unclear, his rank was unknown. He claimed to be a lieutenant, he claimed to be the Eren Border Passing Squadron Captain, but this man was a member of Ergenekon, he was an enemy of this land."[120]

Immediately after he found out that Serdar Öztürk had been detained within the scope of the Ergenekon case, İslam Zeyrek, with the support of the Şırnak Bar Association, presented a petition to the Silopi Public Prosecutor's Office to become an intervening party in the case. He received no response. Likewise, the detainment within the scope of the Ergenekon case of Koçer Saluci, known to be a member of the Silopi JİTEM team, and who claimed his real name was Cındi Saluci, although he was officially referred to as Koçer Saluci, created an initial sense of elation. However, Saluci was later released and he continues to live in Silopi to this day.[121] Thus, the Ergenekon case, which initially created great excitement, did not turn into a case where the crimes carried out in Şırnak were tried. Therefore, by the time we carried out our interviews, the enthusiasm of the early days had faded. However, it is necessary to add that relatives of the disappeared nevertheless closely monitor both the Ergenekon and Balyoz cases, and the status and sentences given to JİTEM operatives that served in Şırnak, and Cemal Temizöz and Veli Küçük in particular.

The Cemal Temizöz and Others file

Another important development of 2009 was the file titled Cemal Temizöz and Others which became a case and was the beginning of the trial of the majority of the perpetrators especially of the enforced disappeared of Cizre. There are 8 accused in the case: Cemal Temizöz, Kamil Atak, Temer Atak, Adem Yakın, Fırat Altın (Abdülhakim Güven), Hıdır Altuğ, Kukel Atak and Burhanettin Kıyak, who faced a claim of being part of the interrogation team formed by Temizöz during his time in Cizre, leading to his case being merged with the Temizöz and Others file in August 2012. As of February 2013, Cemal Temizöz, Burhanettin Kıyak, Adem Yakın, Fırat Altın (Abdülhakim Güven) and Hıdır Altuğ are being tried in detention. We have interviewed the families of 7 of the forcibly disappeared named in the Temizöz and the Others file; their names are Abdullah Efelti, İhsan Arslan, İzzet Padır, Abdullah Özdemir, Süleyman Gasyak, Ömer Candoruk and Mehmet Acar. All the families follow the hearings of the case for the Temizöz and Others file. Not only the families of the disappeared mentioned in the file, but relatives of the other disappeared also follow the hearings. The hearings are held at the Diyarbakır 6th High Criminal Court; which means that all these families have to travel from Cizre to Diyarbakır for each hearing. The families continue to follow the hearings despite the difficult conditions. Not only the relatives of the forcibly disappeared but those of the summarily executed also try to follow the hearings.

The Temizöz and Others hearings speak volumes about the way justice is carried out in Turkey, and about the sociology of law. We first had the opportunity to follow the hearings in 2011, upon the invitation of the project designed by TESEV for civil society organizations to collectively follow the Temizöz and Others case; later we tried to follow all the hearings as Truth Justice Memory Center. The hearings are also highly important events in that they show the

120 Interview: Şırnak-Silopi / 15.10.2012

121 Interview: Şırnak-Silopi / 02.12.2012

relationships between the perpetrators, the relatives of the perpetrators, and the loved ones and relatives of the disappeared. Every hearing is also attended by the relatives and tribe members of Kamil Atak, who come to support him, just like the loved ones and relatives of the disappeared. Both Kamil Atak's men and himself often threaten both the loved ones and relatives of the disappeared, as well as the lawyers that are attending the case as representatives of the interveners. He claims that the complainants that have made depositions are from the Keçan tribe, and that they are slandering him because of the animosity between the Keçan and Tayan tribes; and he protests the court board for allowing the complainants to comfortably speak out. He continues to threaten the lawyers, too, stating, "There is a member of the Keçan tribe among the lawyers, I will find him and slap him in the face even if he hides amongst the clouds." The report titled Time For Justice published in 2012 by Human Rights Watch is an important reference in that it transmits the climate of the hearings and the threats made against lawyers in particular and contains comprehensive proposals for the continuation of the hearings in a healthy manner.[122] Kamil Atak's entire defense is based on the thesis that he fought against the PKK forces on the side of the state, and that therefore he cannot be tried here. With great anger, he recounts that in 2012, when the clashes were particularly violent, as he was being tried in court, his men were fighting PKK forces on behalf of the state, and that this was a huge injustice. He also adds that it is a great outrage for a 'feudal' like him to be accused of forming a gang with informants. The main axis of Temizöz's defense is that he defended the state and that he did nothing without the prior knowledge of the state. According to Cemal Temizöz, the only reason he is being tried now is that he crossed paths with the Fethullah Gülen community. Just like Kamil Atak, he claims that he is facing a great injustice.

The relatives of the disappeared observe all the hearings silently, but all the while are "cursing the defendants inside."[123] According to the intervening lawyers, some of those who come to support Kamil Atak do not come because they really support Atak, but only because they are members of the same family or tribe, and because they have to make occasional appearances. In fact, some of those who come to support Kamil Atak secretly tell the relatives of the disappeared that they support them, that they should keep coming and not give up on seeking their rights.

Relatives of the disappeared make sure they attend the hearings of the Cemal Temizöz and Others case both so that the perpetrators of the forcibly disappeared included or waiting to be included in the file are tried, and because of its symbolic significance for all the disappeared of Şırnak. When we asked them what they expect from the case, this is what Şahin Kalenderoğlu, whose father Yusuf Kalenderoğlu was forcibly disappeared in Silopi on 22 February 1995 said:

"Of course, we want and hope, and it is the expectation of everyone here. I mean, Cemal Temizöz, if the state is just, he should not be released after all the suffering he has caused to these people. I mean, he has to be held accountable before justice. God willing, that shall be the outcome. That is our hope."[124]

Kalenderoğlu's demand that the perpetrators are held accountable before justice and receive punishment for the crimes they have committed is the common demand of all the relatives of the disappeared. Yet it is an entirely different issue how much hope they have that this will happen. Almost all relatives of the disappeared we interviewed harbored very little hope that a just sentence would be reached in this case.
The fact that the accused are being tried without detention reinforces this lack of confidence;

122 Human Rights Watch, *Time for Justice*, 2012, İstanbul. For the full text of the report see http://www.hrw.org/sites/default/files/reports/turkey0912tuwebwcover.pdf

123 Stated by a relative of the disappeared during a hearing, 22.06.2012.

124 Interview: Şırnak-Silopi / 15.10.2012

the release of Kamil Atak following the hearing held on 21 December 2012 to be tried without detention has further consolidated this lack of confidence. The intervening lawyers also underlined that Kamil Atak's release pending trial cast a serious shadow over the credibility of the case.[125] Kamil Atak and other village guards celebrated his release by opening fire into the air in Cizre the night he was set free.[126]

A messianic sense of justice

The horizon of the sense of justice of the relatives of the disappeared is not limited to the course of the Temizöz and Others case, or any other currently ongoing case. They do follow with great interest all these cases including first and foremost the Temizöz and Others case, and the Ergenekon and Balyoz cases; but what they mean when they talk about justice, rights, law or in a wider context, the manifestation of justice, is slightly different from this. Almost all the relatives of the disappeared we interviewed stated that they demanded the perpetrators be tried and justice be given, but again almost all of them expressed the view that it was either impossible or very difficult for justice to prevail. Ömer Mübariz's brother Kemal Mübariz was detained and disappeared on 2 January 1994 at the military station on the Nusaybin road. Both Ömer Mübariz and Kemal Mübariz were detained by military officers at the Turgutlu Gendarmerie Station who showed them their identity cards and said, "we are from secret intelligence." Ömer Mübariz was released and the same people told him that they had to pay a ransom of 100 million liras for his brother to be released too. Ömer Mübariz went to Nusaybin station along with his other brother and handed over the money; however, after that day, he never saw the people to whom the money was given, or received any news of his brother. Mübariz explains what he expects from the state in terms of justice:

"My desire is that the unsolved murders are solved. I want justice to prevail. The state has no justice anyway, the justice of the state is the justice of a fox, hand over the chicken to the fox, and what does it do? All we want to know is where our bones are, and how it happened. That would be good for us. We expect nothing else."[127]

As explained in far more detail in the Absence of Graves section, the pursuit of justice is expressed in finding the bones of the disappeared rather than a process during which the state tried the perpetrators, and justice is thus reinstated. For the ones left behind, justice is first and foremost a process in which the bodies of their absolutely innocent children, sons, wives, uncles and nephews are found; and only then a process where the perpetrators pay the price for their crimes. According to almost all the relatives of the disappeared, if there is such a thing as justice, the accused in the Temizöz and Others case should get sentences of life imprisonment, let alone be released pending trial. Relatives of the disappeared speak of a tremendous environment of fear when they recount the story of Şırnak in the 90s and the forcibly disappeared, and they underline the fact that they felt a little more at ease once the accused in the Temizöz and Others case were detained. Therefore, their most significant demand is for the accused to be tried in detention and to remain in prison for life for the horrible crimes they committed.

"We have filed an action against them, we will not accept it if they are released, we will not relinquish this case. If the Turkish state is talking about law and justice, then it should not release them. If they release them, then it won't be justice anyway. They have no justice. I am calling out to the prosecutor (...) Because they were murdered for no reason. They give such high sentences to

125 "Aktar'dan Kamil Atak Tahliyesine Tepki" (Aktar reacts to release of Kamil Atak) , *Yüksekova Haber,* 24 December 2012. http://www.yuksekovahaber.com/haber/aktardan-kamil-atak-tahliyesine-tepki-90857.htm

126 "Eski korucubaşı Kamil Atak tahliye edildi" (Kamil Atak, former head of village guards, released!), *CNNTurk,* 22 December 2012. http://www.cnnturk.com/2012/turkiye/12/22/eski.korucubasi.kamil.atak.tahliye.edildi/689686.0/index.html

127 Interview: Şırnak-Cizre / 12.10.2012

people who have committed no fault, so why did they take my husband away, murder him, bury him in the ground. There are still people who have not found the bodies of their loved ones (...) Now they are in the hands of the state, the state knows, there is a sentence for them, but the state refuses to punish them. We have been going there and back for three years now, it is time for the Diyarbakır Prosecutor to finalize this. (...) If the Turkish State had not detained them, we could not have testified against them. We didn't dare to. We used to think, 'They'll come and kill us.' God knows, if they were to release them now, they would come and kill us (...) That is our hope from Allah, we hope that they won't be released. All these people go to the hearings, God knows I start having stomach cramps twenty days before the hearing, I have spasms. I feel dizzy, my stomach turns, I lose all my strength. What right did Bedran and Hakim have to do this to me? Captain Cemal was the man of the state, justice and law. Who was right then, and who was wrong (...) My husband is gone, and Captain Cemal still has his driving license, his identity card and his belongings. They know where they are. They took our car, too, Bedran, Hakim and Captain Cemal were friends, they sold it and spent all the money. How come the state did not ask them, 'What is this all about?' It was all under Cemal's authority. He did all this. Everything that took place in the Southeast was under Captain Cemal's authority. Whether it was Silopi, a border pass, or against the PKK, he controlled everything."[128]

Relatives of the disappeared believe that it is almost impossible for crimes carried out by state operatives to be tried by the officials of the same state; the most concrete example of this is the fact that no one attempted to stop them when they were actually committing these crimes. However, despite this difficulty bordering on the impossible, all the relatives of the disappeared state that they are after the perpetrators, that they will not let the perpetrators go, and that they will remain on their track until their last breath.

"Upon my word, Bedran, Hakim and (...) Captain Cemal had a huge network. They had many dogs that served them. They weren't without friends. They took our husbands, and they murdered many innocent people. God knows they killed them with their bare hands. As long as we are alive, until the last drop of our blood, we will testify against Bedran and Hakim."[129]

This understanding of justice that will be sought until the last breath is very different from the kind of justice they expect the state to provide, it transcends the latter, and is much broader. It seems to refer to an almost apocalyptic, messianic perception of justice; the rights of the good and the innocent are to be delivered without fail, and the criminals are to be punished in the true sense of the word. This is similar not to the kind of justice the current state structure might provide, but to a moment where rightful and unjust are separated by a revolutionary apocalypse through an upheaval reminiscent of the judgment day, brought on by what Benjamin has called messianic justice.[130] Relatives of the disappeared, as a group of people who pursue justice until their last breath and believe in messianic justice, say that they will bequeath this struggle to their children and future generations, and add: "We will continue to pursue our demand for justice in the afterlife. We plead against them in the presence of Allah, we will seek the judgement of Allah in claiming our right from them."[131]

4) Citizenship

Relatives of the disappeared, during our interviews, often emphasized the contradiction between enforced disappearances and citizenship rights. They told us how unacceptable it was for state forces to harm their fellow citizens, and even worse, to commit

128 Interview: Şırnak-Cizre / 04.12.2012

129 Intreview: Şırnak-Cizre / 04.12.2012

130 Salzani, C. "Violence as Pure Praxis: Benjamin and Sorel on Strike, Myth and Ethics", 2008:23.

131 Interview: Şırnak-Silopi / 30.11.2012

the crime of enforced disappearance. As citizens who experienced the act of enforced disappearance in the OHAL region, they felt that this was a violation of their rights as equal citizens. Leyla Gasyak commented on this situation as follows:

"So why were they killing us, God knows, there are 100 steps between my home and the gendarmerie station, here are my kids, and here is my identity card. So I was a citizen, too. I was working hard to earn my living, my husband was doing trade, he had committed no crime whatsoever; I wonder why they killed him. I'll ask you the same question. Why did they kill him? It must have been for money, they must have received some money in return, but we don't know what it was in return for." [132]

Some others stated that those who have committed the crime of enforced disappearance should no longer be considered citizens, and that it would be 'a disgrace' to do so.[133] These people have committed a crime that no longer allows them to be accepted as citizens, therefore they should lose their status as citizens, they should no longer be considered citizens, the argument goes. Some other relatives of the disappeared, such as Hanım Candoruk, points out that the disappeared were citizens. Hanım Candoruk defined the disappeared as 'the people and the citizens of this place':

"They are the citizens of this area. That is what I also told the prosecutor. Does he have the right to nullify my citizenship? 'I, too, am a citizen of this place,' I said. 'These people did not kill your husband,' I thought he would have said, or 'he is not your husband'. I asked him, 'Is he not my husband?' Here is my birth record. We do not slander them. Each one of us has six or seven children. Leyla has five, I have six children. (...) They were all citizens of this land. They were the people of this land. They were at the mercy of the state, they were not bad people. Not a single mischief, not a single act of theft, the state knows all this much better than we do." [134]

Equal rights of citizenship

The issue of citizenship has been reviewed in the last thirty years across the world within the framework of fundamental debates such as the citizenship rights of ethnic groups, minorities and women. Issues such as the rights of minorities, or the citizenship rights of those who are discriminated against because of their gender or sexual orientation, sometimes intersect with debates over multiculturalism and are discussed along with the phenomenon of "multicultural constitutional citizenship". The issue of paving the way for the proper use of the citizenship rights of diverse groups from LGBT individuals to immigrants that are extorted by the modern state, that could also be described as the "equal citizenship rights/demands" is also part of these debates. Some views claim that individuals might feel they belong to highly different political and social groups, and that therefore it is necessary to speak of different and multiple levels of citizenship, and even of different and multiple public spaces. These debates were also formed around themes such as the use of rights by the subjects of these rights, a sphere of civil society that includes cosmopolitanism and diversity and citizenship not as a membership to a club called the nation-state, but a series of rights.[135]

In Turkey, these debates, particularly regarding the Kurdish issue, resonated both academically and politically; a definition of citizenship without an ethnic reference and implementing this definition at the constitutional level both led to important academic debates, and became one

132 Interview: Şırnak-Cizre / 16.10.2012

133 Interview: Şırnak-Silopi / 30.11.2012

134 Interview: Şırnak-Cizre / 04.12.2012

135 For a comprehensive debate on this topic see V*atandaşlığın Dönüşümü: Üyelikten Haklara (The Transformation of Citizenship: From Membership to Rights)*, ed. Ayşe Kadıoğlu, Metis Yayınları, İstanbul, 2008; Nancy Fraser, "Rethinking the public sphere: A contribution to the critique of actually existing democracy", in *Habermas and the public sphere,* ed. C. Calhoun, MIT Press, Cambridge, 1992; Nira Yuval-Davis, "The citizenship debate: Women, ethnic processes and the state", *Feminist Review,* No: 39, 1991.

of the most significant demands of the Kurdish movement.[136] In the interviews we carried out we observed that the concept of citizenship arose in the narratives of the interviewees especially when they talked about the rights violations they suffered and claimed that the crime committed by the state was unacceptable.

This unacceptability manifests itself in the emphasis by the relatives of the disappeared that they too are citizens and live as citizens of this state. Relatives of the disappeared underline the illegality and unacceptability of the state forcibly disappearing its own citizens, while they also invite listeners to affirm and recognize this unacceptability. Besides, as they protest against the systematic human rights violations implemented in the places they live, they object to such practices by reminding the listeners that they are citizens of the Republic of Turkey. Thus, the emphasis on citizenship serves this dual function: On the one hand, the fact that the disappeared from Şırnak and their relatives have equal rights as all the other citizens of this state, and that these rights have been extorted, and on the other hand the unacceptability that the state has forcibly disappeared its own citizens in breach of the legal norms it has set for itself. And they also ask a highly important question that problematizes the position of the state: In return of what kind of a payment did their relatives had to die?

"Yes, they have not built a school in our village until now. I mean, it is as if our village [sic] was not a citizen of the Republic of Turkey, as if our people were not citizens. As if we were not part of Turkey. Our village was truly something else."[137]

"I went to see the district governor, and said, 'see, my father is missing, we fear it might be JİTEM, because the black car and the white car had begun to carry out searches, they were at the search points. We suspect them because they abduct citizens."[138]

"I mean it is the Prime Minister and the President who are primarily responsible for this. Because the Prime Minister is in charge of the state, has control over everything. For instance, everyday tens of people fall victim to unsolved murders, or are disappeared. You would expect them to ask where they are. These people are citizens of the Republic of Turkey, do they not ask what has happened to these people?"[139]

Citizenship and the establishment of justice

Sait Fındık believes that the most important reason for the enforced disappearance of his elder brother Mehmet Fındık and younger brother Ömer Fındık, who took the fried turkey that the soldiers asked of them to the battalion and never returned, as their refusal to become village guards and "take up arms". He explains that the Şırnak Brigade Commander who pressurized them to become village guards constantly told them that they had to choose either the PKK or the state by saying that, 'you can't carry two watermelons with a single hand.' According to the commander, everyone had to choose sides. Sait Fındık objects to the stance of the commander by underlining their citizenship rights. According to Fındık, the village folk do not have to accept becoming village guards, to accept protecting the state since they are regular citizens. Therefore, not only regarding enforced disappearances, but also in the context of other unlawful practices and human rights violations such as pressuring people to become village guards, maltreatment and torture, an emphasis on citizenship is made.

"There is no doubt it was the work of JİTEM, it was linked to JİTEM. People, our acquaintances, relatives, our loved ones were disappearing one by one. My nephew and my maternal uncles on the one hand, and my paternal uncle's son, my

136 Kadıoğlu, A. "Vatandaşlığın Ulustan Arındırılması: Türkiye Örneği" (The Cleansing of Citizenship of the Nation: The Turkey Example), 2008:44-52.

137 Interview: Şırnak-İdil / 01.12.2012

138 Interview: Şırnak-Silopi / 15.10.2012

139 Interview: Şırnak-Silopi / 02.12.2012

brother-in-law on the other hand were forcibly disappeared. Our loved ones also disappeared in Cizre. So you look around, and you see that everyone we loved was disappearing one by one. And we were aware of it, we knew the reason. After all, we knew what we were doing; we knew what our crime was. Solely the fact that we had refused to take the arms they wanted to give us so we would become village guards was what they meant when they said, 'you can't carry two watermelons with a single hand.' (...) You had to pick your side, but it wasn't our duty to pick a side really. It was not the duty of a person with a certain awareness, because I am a regular citizen. I did not want the money they paid the police or the soldier. Their duty is different, I am a regular citizen. I do not have to protect the state."[140]

Mehmet Kartal, the elder brother of Ömer Kartal who was disappeared on the same New Year's Day (along with Sait Fındık's elder brother Mehmet Fındık and younger brother Ömer Fındık) underlines the concept of citizenship as we talk about the establishment of justice. Kartal explains that the establishment of justice via the trying of the perpetrators of enforced disappearances is also a step towards saying, "Kurds, too, are citizens of this country." The establishment of justice and equal citizenship rights, or in other words, the acknowledgement of Kurds as equal citizens, and its enactment to allow Kurds to benefit from the same rights as other citizens and the trials of those who extorted the rights of the forcibly disappeared, or in other words the Kurds in the OHAL region, are fundamentally linked:

"When they investigate, when they reveal their identities, there is no doubt that justice will prevail. And that is a step towards us Kurds stating that we are citizens of this country. But they do not acknowledge us as citizens, or as human beings, for them to do something for us. 'You do not exist in this world,' is what they say. This is why we do not trust the state."[141]

140 Interview: Şırnak-Silopi / 14.10.2012

141 Interview: Şırnak-Silopi / 14.10.2012

5) Politics

The main justification for enforced disappearances was, as we have mentioned many times before and as in many other unlawful implementations of the 90s, the project of "establishing territorial dominance and severing the ties between the people and the PKK". Therefore, the enforced disappearances are based on a political motivation: The struggle against the PKK. Besides, as commanders who have fought in the region constantly underline, since there was no information on the political support of the people for the PKK, everyone in the region was considered a potential member of the PKK and treated accordingly. Again, as we have stated before, the institution of temporary village guardsmanship served as a litmus test to understand who was on the side of the state. However, the tension never ceased, and the state never quite managed to distinguish in a final and conclusive manner its 'loyal citizens' from the 'traitors'.

It is precisely this inability to distinguish that forms the political basis of enforced disappearances on behalf of the public officials. If there is any belief that a citizen is intimate with the PKK, and that he or she supports the organization, then that person is placed in the center of the state of exception. The treatment of such an individual does not have to comply with any legal norm, or with any standard acquired and established by the struggle for human rights. Therefore politics, both in terms of the political arguments that rendered enforced disappearances possible, and in that it indicates the political allegiances of the disappeared, occupies the most significant position of the enforced disappearances.

Militia, supporter, 'patriot'

As we have shown above with quotes from interviews, the interrogation team claims that the vast majority of the forcibly disappeared are PKK militia. Some of the forcibly disappeared are people who had been previously detained and

threatened by the same teams. As for those who are not accused of being militia, they are claimed to be 'supporters of the PKK'.

During the interviews, the relatives of the disappeared voiced both these claims, and their responses to such claims. They told us how their relatives had been repeatedly taken into detention, faced systematic torture and abuse because they refused to become village guards, and the treatment they suffered because they refused the teams' offer of 'collaboration'. However, many relatives of the disappeared also stated that even if their relatives had been PKK militia, this would in no way justify enforced disappearance. İslam Zeyrek told us that the commander was repeatedly saying that his brother was a member of the militia. Yet according to Zeyrek, if there had been justice in the true sense, even if the disappeared person was guilty according to the laws in Turkey, the punishment should have been a prison sentence at worst.

"There are thousands of PKK members in prisons at the moment, why is my brother not one of those in prison now? Did the state not have a piece of bread to give him in prison? They say he was a terrorist; no, he was not a terrorist. He who drags an innocent person into the river, severs his head and sells it to the state, that's what I call a terrorist. He is the terrorist's son; he is the enemy of the state, the enemy of this country, the enemy of the people. Not the person who died, he was innocent."[142]

Zeyrek was not the only relative who underlined this situation. Yusuf Kerimoğlu, whose uncle Kamil Bilgeç was forcibly disappeared in Silopi in November 1995, said very similar things:

"Fair enough, if my uncle is guilty, take him to court, why did they build the court house, because it is the place for law and justice, give him life sentence, if that is what he deserves. I would have said nothing if that were the case, no one would. It is the courthouse, when it hands out justice, we accept the verdict. We would go and visit him everyday, once a week, once a month, we would go and see him, check on his well-being, and come back here. But he is innocent."[143]

Taybet Acet stated that her husband had been detained several times and suffered abuse from soldiers before he was forcibly disappeared. When we asked her why her husband was detained, she replied, "because of politics, because he was involved in politics." She added that no one should be forcibly disappeared because they were involved in politics, and that she believed in her husband's political views. When we asked her what she meant by that, she finally said:

"We want to succeed, we want justice. We want the doors of prisons to be opened wide. We want our people to succeed, and we won't forsake our struggle until our last drop of blood. We will continue our struggle. We won't become traitors, we won't withdraw, as long as we live."[144]

Thus, many relatives of the disappeared felt no need to hide their political views, clearly stated that they were 'patriots', and underlined the fact that belief in a certain political view could never be perceived as justification to destroy a person.

Another aspect highlighted during all interviews was the 'arbitrariness' of the cases of enforced disappearances. The unrestricted field of movement the teams had, allowed them the means to forcibly disappear many people in order to strengthen their own tribes in intertribal animosities, to murder someone they did not like in the family, or merely for economic gain. In many interviews this element of arbitrariness was emphasized; therefore it would not be accurate to say that all cases of enforced disappearances were politically motivated.

142 Interview: Şırnak-Silopi / 15.10.2012

143 Interview: Şırnak-Silopi / 30.11.2012

144 Interview: Şırnak-Cizre / 05.09.2012

Opening the HADEP Silopi District Office

One of the perhaps most conspicuous examples of the relationship between politics and enforced disappearance was the enforced disappearance on 25 January 2001 of the People's Democracy Party (HADEP) Silopi District Director Serdar Tanış and district administrator Ebubekir Deniz. According to his father's account, returning on leave from his military service, Serdar Tanış said, "I swear to Allah that I will open an office for this party (HADEP) in this district (Silopi)," and began work to form the party organization. Then he returned to complete his remaining two months of military service. However, once Tanış returned pressure, threats and coercion targeting his family began.

The home of the Tanış family was raided several times by soldiers, and photographs of Abdullah Öcalan and PKK flags were planted in the house. Serdar Tanış's father Şuayip Tanış was first detained and then arrested. After remaining imprisoned for a short period of time he was released. When he came out of prison, he witnessed his son Serdar Tanış trying to find the required number of people to open a district party bureau. The required names were found, and the district administrator's list was changed a few times because some who had agreed at first withdrew later, but eventually the list was complete. A short period after coming out of prison, a car approaching the car that Şuayip Tanış was travelling with others stopped them and asked Tanış who he was. Then they told him that Commander Levent Ersöz wanted to speak to him. Tanış then went to the Şırnak Regimental Command and found Levent Ersöz:

"He was sitting in his armchair, I greeted him, he greeted me back. 'Are you Şuayip Tanış,' he asked me, 'yes,' I replied. 'Sit down,' he said, so I did. 'So where is Serdar Tanış,' he said. 'Serdar Tanış has gone to Diyarbakır,' I said, it was no lie. 'He was at home last night, when did he go to Diyarbakır,' he said. 'He was at home last night,' I said, 'and he went there today'. 'Why did he go there,' he asked. 'He has formal work to do for the party,' I said. 'Is there a lot of people involved then,' he said to me. Meaning Serdar's trip. 'Yes,' I said. 'Şuayip Tanış,' he said, 'yes,' I said, 'pull back from this process, otherwise, it's out of my hands,' he said. 'This party is organized everywhere, it is free and legal, it is not prohibited,' I said. 'Why should we pull back?' 'Because I said so,' he said, 'I've told you. The Öktens do it as municipality directors, the Öktens and Tatars do it as members of parliament,' I said. 'And you tell me this. We are human too, you call it terrorism. When a member of parliament becomes a leader, you call it terrorism. We are human, too.' My exact words. 'I'm telling you to quit,' he said. 'Withdraw, and tell Serdar to withdraw, do not open the party here, or else I will not allow you to live,' he said. This is exactly what he said (...) 'I will not let you live,' he said, and not only meaning Serdar. 'I won't let you live,' he said, his exact words. When he said this, I said, 'my commander, Ankara is our capital city, and Şırnak is a province, close this party. Ankara did not close this party, the governor is in Şırnak, the military division is in Şırnak, the regiment is in Şırnak, have them close down the provincial center of the party. Silopi is a district of Şırnak. And we cannot open a district office after all.' So he said, 'That's not my concern, this is my area, I do as I please.' So I replied, 'You do not have the power to do that, if you close the party down, then we will migrate.' That is exactly what I said. (...) Then he softened his tone, 'so you send me Serdar,' he said."[145]

Despite this invitation from Levent Ersöz, Serdar Tanış did not go to the regimental command, he only spoke to him on the phone, and two days later they summoned Şuayip Tanış to the military station. At the station, Captain Süleyman told Tanış that Levent Ersöz wanted to see him, to which Tanış replied by saying that he had met Levent Ersöz two days ago and that he would not see him again. Upon Tanış's response, Captain Süleyman called Levent Ersöz at the regimental command, and when he got hold of him, passed the telephone to Şuayip Tanış. They had the following conversation:

145 Interview: Şırnak-Silopi / 16.10.2012

"'Yes, Levent Ersöz,' I said. 'Serdar has not come to see me,' he said. 'As far as I know, Serdar has called you,' I said. 'Yes, he called me but he didn't visit me on time,' he said, 'If he ever treads foot on Şırnak soil again I shall kill him,' he added. 'I will tell him word by word, my commander,' I replied, 'Do so, my rank is known, my place is known and my office is known,' he said. God is witness, these are his exact words. 'Alright,' I said. He put the phone down, we came back, I called Serdar. 'This is what the regimental commander demands,' I said. So Serdar wrote three petitions, one to the Ministry of Interior, one to the Prime Minister, and one to the President."[146]

In the petitions he wrote following all these events, Serdar Tanış explained how Levent Ersöz had threatened him with death quoting the conversations he had with his father, and added: "At present, I cannot travel to the province of Şırnak. I cannot carry out any work and I am being impaired in many ways. The present implementation impairs my father as well. He, too, cannot carry out his work under the present conditions. In a similar manner, my other colleagues in the district administration of HADEP unjustly face similar negative effects. It is known that political parties are indispensable elements of democracy. The members of the party I am affiliated with demand nothing other than the treatment other political parties receive. I present to you with respect my wish and demand for the necessary sensitivity to be displayed so such unlawful implementations are prevented, and I can benefit from the rights that every citizen has, and for undemocratic approaches to be cast aside."[147]

17 days after these petitions were written, on 25 January 2001, HADEP District Director Serdar Tanış and district administrator Ebubekir Deniz were disappeared.

"They opened the party office, it was the eighteenth day. Eighteen days had gone by. Serdar and Eyüp, (...) it was first him and Eyüp who came. They came to the Post Office to apply for a phone line. There they saw a car, the make was a Fiat Moldov, or something. The car drove and stopped by the Post Office. They asked him, 'Are you Serdar Tanış?', he said 'yes,' so they said, 'get in the car'. Serdar said, 'I won't, who are you?' They showed him their identity cards and said, 'we are officers.' Serdar said, 'no, I won't get in, I won't come with you'. But they forced him to. They refused to leave. 'Are you resisting the military?' they asked him. 'Resisting? No,' he said. Serdar added, 'If I am asked to come to the station I will, but I am not coming now. That's it.' They left. Serdar came to the party office, with Eyüp. Two or three hours later, I am not sure, they summon him from the station. Either Captain Süleyman, or someone he charged with the job, I am not sure. 'Come to the station,' they say. Eyüp was not ready to come, he was at the toilet in the mosque. So Serdar took Ebubekir with him. They took a kid with them in the car and go together to the entrance of the station. The kid said, 'let me wait for you,' but Serdar said, 'no, no, go, don't let them see you, they'll take your number plate'. He was distressed, what kind of friendship is it, after all: 'Let no one see us, I will call you when I get out, don't let them see you, it will cause you problems, too.' (...) They entered the gendarmerie station, and that was the last we heard of them."[148]

No news was ever received again from Serdar Tanış and Ebubekir Deniz after that day they entered the Gendarmerie Station. The enforced disappearance of these two HADEP district administrators at the relatively late date of 2001, tells us a lot regarding the nature of enforced disappearances. First it shows how obscure the boundary between being a PKK militia or supporter and being a member of a legal political party is for the soldiers. For Levent Ersöz, not allowing HADEP to enter Silopi was a task as serious and important as the fight against the PKK. In the OHAL region, PKK membership, party administration, citizenship

146 Interview: Şırnak-Silopi / 16.10.2012

147 Başlangıç, C. *Korku İmparatorluğu (The Empire of Fear)*, 2001: 9-201

148 Interview: Şırnak-Silopi / 16.10.2012

rights and policies of destruction are easily confused. Second, it shows that in 2001, just like in the 1990s, the recklessness, clear threat and the practice of bluntly and directly speaking about what one will do, believing that one will never be tried, continued. Ersöz, just like the other commanders who served in the region in the 1990s, threatened people with death, spoke openly, and even added that his place, location and rank were clear. Third, this policy of destruction was implemented not only towards the disappeared, but to create fear and pressure over the entire population of Silopi. When Serdar Tanış's brother took us around the first HADEP District Office building in Silopi, which was rented out by Serdar Tanış, he told us how excited his brother was on the day the office opened. Although he was a small child back then, he remembered how his brother had got up early, gone to the District Office which is a jeans shop now, and sat there alone all day. In Silopi, where HADEP and the parties that were opened in the aftermath of its closure get at least 60-70 per cent of the vote, not a single person had dared to visit the district office building on the day it opened. Serdar Tanış, the 22-year old HADEP District Director, 18 days before he was forcibly disappeared, sat alone in the party building he had made such an effort to open until the evening.[149]

Party, and politics as the organization of everyday life

In all the interviews we conducted with relatives of the disappeared, when the interviewees used the word 'party', they meant the current Peace and Democracy Party (Barış ve Demokrasi Partisi – BDP), or the political parties that were its predecessors. Following cases of enforced disappearance, the only political party that stood by the relatives of the disappeared in Şırnak was the Peace and Democracy Party, or the political parties that were its predecessors. Other political parties, barring the exception of certain figures with which relatives of the disappeared tried to establish contact through various intermediaries, were almost not even mentioned. However, it is not possible to say that the expectations of the relatives of the disappeared were fully met by the BDP. Relatives of the disappeared have many expectations from and voice many criticisms of the BDP, from the demand for members of parliament to make more of an effort to keep enforced disappearances on the agenda, to the establishment of more permanent and organic relations between party administrators and relatives of the disappeared. Time and time again they voiced their demands for the trial of the perpetrators, establishment of justice and also for the empowerment of the families of the disappeared.

All the relatives of the disappeared who contacted civil society organizations mentioned the Human Rights Association (İnsan Hakları Derneği - İHD). İHD is the only human rights organization where the relatives of the disappeared can talk about their troubles, ask for help regarding the monitoring of the legal process and receive support in many areas. Relatives of the disappeared refer to the association as "Human Rights" in abbreviation, and in all narratives, the association is referred to as a human rights organization that provided support in the very difficult and oppressive political climate of the 90s, and most importantly, gained the trust of the relatives of the disappeared.

Politics no doubt, does not only mean opening political party branches. The everyday level of politics is at least as important and definitive as its other aspects. The organization of everyday

149 In his supplementary statement in the Temizöz and Others file, Mehmet Nuri Binzet provided information regarding the fate of Serdar Tanış and Ebubekir Deniz. According to this statement, upon Levent Ersöz's orders, and with the collaboration of Hazım Babat and Kamil Atak, the decision was taken to murder Serdar Tanış and Ebubekir Deniz. The trigger was pulled by the informants, and the two young men were buried in an Assyrian village in the vicinity of the Cudi Mountain. For more detailed information, see "Kaybolan HADEP'liler Cudi Dağı'na gömüldü" ('Disappeared HADEP members were buried in Cudi Mountain' (2009). *Radikal*, 18 August 2009. http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=950356&CategoryID=78

life in Şırnak, which has been turned into a site of death and destruction, is a political task in and of itself. Apart from Makbule Ökdem who was forcibly disappeared in Cizre, all the cases of enforced disappearance we carried out interviews on involved men, and most of them were bread earners in their family. After the disappeared person is destroyed, the sustenance of the family, the raising of the children, the maintenance of the elderly of the family, and also participation in Newroz and also women's day celebrations, are all tasks that are carried out by the women. By producing life both in the material and the spiritual sense, it is the women who resist most this mechanism of death erected across Şırnak, they are the ones who struggle. This mechanism of death first and foremost emanates a tremendous fear. A relative replied thus when we asked them whether they received any support during that period:

"No, no, no one came back then, there was no party, there was nothing. There was only fear. No, my friend, people were afraid to say they were Kurdish. I swear to God we could not do anything, none of us."[150]

All the women we interviewed told us about the problems they suffered after their husbands were disappeared, and about the difficulties in which they raised their children. The majority of these families were already poor, and their families were kept standing with the effort, struggle and labor of women: Women from Cizre, Silopi, İdil and Şırnak, worked piece-rate in many jobs, went for cleaning jobs at the homes of public officers, and did the washing for their neighbors to raise their children. Another piece of oft-repeated information was that the children could not complete their education because of this poverty. Şevkiye Arslan's account overlaps with the narratives of many relatives of the disappeared:

"I went and did the cleaning in homes of police officers, of other people, I washed their clothes, to look after myself and my children. And I continue to do so today, God knows. I suffered a lot. (...) I looked after my children all by myself. I told myself, 'I will look after my children until I find the bones of my husband.' When I find the bones, I will take my children there."[151]

It is very important to consider the struggle of those who remain after the act of enforced disappearance from a gender perspective, and it is an issue that should be treated separately. However, this issue no doubt exceeds the boundaries of this report. Let us, for now, stop at emphasizing the struggle and effort of women in the reorganization of everyday life in the aftermath of enforced disappearance in conditions that involve great poverty, distress and often political pressure. Let us also add that women were very active subjects in the search process after the disappearance.[152]

The issue of continuity

The final point that must be emphasized within the Politics section is the issue of continuity in policies of tyranny that is voiced in a particularly burning manner by relatives of the disappeared. As we have already stated in various sections of the report, relatives of the disappeared do not only face enforced disappearance, they are also subjected to a series of systematic and structuralized practices of violence from coercion to become village guards, forced migration, post-disappearance detainment, to losing other family members in execution-style killings. One of the most striking aspects revealed by the interviews is the fact that a great majority of the children or nephews of the forcibly disappeared of the 90s, in other words, the family members of the next generation are

150 Interview: Şırnak-Cizre / 01.09.2012

151 Interview: Şırnak-Cizre / 03.09.2012

152 The International Center for Transitional Justice has organized the Gender Justice Program in order to support the revelation of gender based rights violations during periods of serious human rights violations, and special projects on searches for justice and accountability in relation to such violations. See http://ictj.org/our-work/transitional-justice-issues/gender-justice

in prison at the moment within the scope of the KCK operations and arrests.

Ahmet Tan, whose father and director of the People's Labor Party [Halkın Emek Partisi - HEP] Mehmet Tan was abducted in 1991 by the team of Cem Ersever and murdered, whose bones were later found and buried in his grave, but whose grave was later fired upon with automatic machine guns by members of the Special Force, explains this continuity with the following words:

"In the 80s they arrested our grandfathers, and put them through torture. In the 90s they murdered our fathers. In the 2000s they detained us. What will they do to our children in 2020?"[153]

Therefore, for the relatives of the disappeared in Şırnak, the state strategies they face, or to use a more general expression, Kurdish society faces today, is always related to the experiences of the past. The continuity of the mechanism of killing and cruelty, also keeps alive the continuity of the knowledge about the nature of the state.

6) The Absence of A Grave

You were my best clothes
The pillar of my happiness!
A cruel fate, suddenly
Took you from me.[154]

"We were all there. A white car drove up (...) 'we will take your brother to the station' they said (...) The Police Chief!.. His name was H. We went there and told them, 'such and such squad came, this squad came to Cizre! They asked after my brother, they said they were taking him to the station!' 'There is no such thing here,' he replied. 'How come,' I asked, and no one helped us. 'He wasn't brought here, your brother wasn't brought here,' he said. We went to the Gendarmerie Station and they said the same thing to us. (...) We investigated, we asked the Silopi Municipality, the Head, and he said, 'we did bury someone' (...) 'His stomach was swollen a bit,' 'It is our brother,' we said. 'Who buried him,' we asked, 'On the Çatak Road,' he replied. The Çatak Road is between Cizre and Silopi. They said, 'they killed him, hurled him to the ground, poured nitric acid on the body, shot him in the head and burned his face completely'. We recognized his belly button from the way his umbilical cord was cut when he was born, they had shot him there as well. (...) This is the road to Habur. (...) We went there, and asked around, and we took the municipality worker who said he buried the body there as well, we dug and opened the grave and we saw it was our brother. The body belonged to our brother. We brought him to Cizre that night, we took him to the mosque, the police chief, he came too, and it was then that we received an anonymous phone call. 'Do not investigate his death, do not follow it up, or else we will kill you, too,' they said. (...) We found our body; we do not claim that we didn't. We began following up his disappearance the day after he left, and in the end, we managed to find him. There are some who never found the bodies of their relatives. There are some people, they always keep an eye on the door, their mothers, when they wake up for the morning prayers, their eyes are always at the door, as if their lost ones could return any second, if the disappeared have a spouse or children, they are always there in front of the door, waiting. So many people have been massacred, some people fight with the state, struggle against it, they might get killed or captured at war, but it is enough. It is not a good thing that people are disappeared in their own state".[155]

The quote above is from an interview made in Cizre. The relative of the disappeared found the body of his/her lost one in a common grave and took the body back to Cizre and buried it there. But those who carried out the murder are still not known, and have not been tried.

"We have filed lawsuits several times, but to no avail. (...) No, I swear by God. All he said was, 'go

153 Interview: Şırnak-Silopi / 02.12.2012

154 The lament of Gilgamesh after Enkidu's death; Ökten, Kaan H. Ölüm Kitabı (The Book of Death), 2010:37

155 Interview: Şırnak-Cizre / 04.12.2012

away, your brother has been murdered, there is nothing to be investigated, go and pray, there is no need for an investigation'. What can we do, this was how the state and JİTEM was. They would slaughter people, cut their heads off, throw them into pits, people were disappearing. Then it happened to us. There were so many in Cizre, we could do nothing about it, (...) it was only later that we managed to take the body of our brother back".[156]

Although the perpetrators were not brought to justice, there is a tone of bitter happiness when they say, 'we found ours', meaning they managed to retrieve the body of their murdered relative. A similar news report recently published in a newspaper, gave fresh hope to relatives of the disappeared who expected to find the bones, or belongings of their lost ones: In 1995, 9 people were detained in the Dargeçit district of Mardin, and 2 were soon released. No news was ever received since then of the remaining seven. As the outcome of the persistent follow-up work of the families, the Human Rights Association and other institutions, an official excavation was carried out in the region around a year ago. Bones were discovered and sent for forensic examination. According to the report on the findings, the bones belonged to one of the seven people. This is how İbrahim Aslan, who searched for his lost son for 18 years, summarizes the situation:

"On 6 November 1995, the soldiers came. 'We need a statement from Mehmet Emin,' they said. I received no news on Mehmet Emin since that day. I went to the Gendarmerie Station several times after that and said, 'My son has not returned home'. However, every time they told me, 'We have released your son, he is not here'. When he was detained, Mehmet Emin was 19 years old; he was about to do his military service. I suffered great pains for 18 years. I searched for my son at the bottom of every pit. My son was innocent. We will bury my son's bones in İdil. It is very important for me for him to have a grave where I can pray, even if it is 18 years later."[157]

In both of the examples above, the reason we chose families that had managed to retrieve the bones of their loved ones was the fact that their greatest wish, even more than their desire for justice, was to retrieve the bones. However, there are very few where the bodies, or bones have been retrieved, and the families have had the chance to experience this bittersweet instance of happiness. Only 11 of the relatives of the disappeared we interviewed had eventually found the bodies of their loved ones. Among those whose bodies or bones have been retrieved, some were found immediately after the disappearance, whereas some others were discovered following DNA tests carried out on bones retrieved in excavations. To forcibly disappear people, to leave them without graves, and to refuse to return even their bones to their families... Şırnak is undoubtedly a Kurdish province where such events were experienced in the most intense manner. In Cizre, interviewees stated that a village in its vicinity close to the military regiment on the Cizre-İdil road was the place where most of the bodies of the disappeared had been discarded. Similar locations in Silopi are the Botaş well and its vicinity, where excavations have also been carried out, the Habur border pass and its vicinity. In İdil, it is the villages which are closely affiliated to Hizbullah and their vicinity which are named by the relatives of the disappeared as sites of disappearance.

An Ancient Story

"He will not be dignified with burial or lamentation." Sophocles has Creon say these words in his tragedy Antigone. Leaving a dead person unburied is a political act as much as it is tragic. Although burial rites show diversity in different cultures and religions, in most societies, the burial of the dead is a tradition,

156 Interview: Şırnak-Cizre / 04.12.2012

157 'Oğlumu her kuyuda aradım' (I searched for my son in every pit) *Radikal*. 25 February 2013. http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1122766&CategoryID=77

law or obligation. Antigone goes against her uncle and the King Creon's ruling that one of her two brothers who killed each other be refused burial for treason; and defends the eternal obligation to bury the dead by referring to the law established by the Gods. Antigone states that she will bury her brother who has been left without a grave even if it costs her life and that she will not oblige with the laws of the king. According to Antigone, the laws of the Gods are more legitimate and powerful than the law or dictatorship of the king.[158] Death is a truth that has been accepted. However, disappearance suspends and renders the tradition of burial void.

Burying the Dead, or the Absence of a Grave

The dead, the murdered person is turned over to his or her family for the fulfillment of religious rituals. The refusal to give the body of a person who has been murdered to his or her family also means preventing them from mourning, and the loss of the process between death and the cemetery. Although the family does not believe the lost one will return, it is suspended in a vacuum between a hopeful wait and the process of mourning. What people told us in many interviews carried out in the Cizre, İdil and Silopi districts of Şırnak was this: "We know they have died, but we are unable to find their bodies, they are preventing us from mourning, and instead of punishing the perpetrators, they are protecting them."

"Imagine this, someone is forcibly disappeared. Everyone dies one day, three days after they pass away, the formal period of condolence ends, you mourn the deceased person for a month, and then you go back to your work. But this is different. Every time I come back home, after all these years, both his wife, and his mother are still watching out for the door. Will he, is there any chance for him to return? You go inside, and everyone is crying. It means you cannot eat properly, psychologically you are damaged. It is a very strange, terrible situation. You know who has done this to you, he is there, walking freely. You expect the political situation to change, a new government arrives (...) but you know they are harboring your murderer. No trials are held, the new government does nothing either."

Burial ceremonies carry a similar and common aim in many traditions: The deceased is now outside society, and also above society. Therefore, the approach accepted in many traditions is to respect the dead. Although this respect is shown in different ways, many societies choose to bury the dead. The demand to bury the dead in a grave is related to a desire to put a distance between society and the dead body, and also to protect the body. Abrahamic religions also adopt this approach; the body of the dead person whose spirit has departed must be placed in a grave to forfeit for its sins. Abrahamic religions accept that the burial ritual begins with Cain imitating the crow that God sent to scratch the earth to bury his brother Abel. This has continued both as a law and tradition to this day. Anthropologist Hişyar Özsoy gives an etymological interpretation of the issue: In Latin, the word humanitas is derived from the verb humando which means to bury in the earth; so humans are those who are able to bury their dead in the earth. There is also a similar etymological and semantic relationship between mirin [death] and mirov [human] in the Kurmanji dialect of Kurdish, and merde and merdim/ mordem in the Dimilki [Dimli] of Kurdish. So one of the most fundamental differences between humankind and other living beings is perhaps the fact that it is able to bury its dead.[159] According to Islamic belief, the bathing and enshrouding, the offering of a funeral prayer and the burial of the deceased Muslim are binding religious duties that must take place as soon as possible. The manner and observances in the placing of the body into the grave, formal rules regarding the grave and the cemetery and visits to the grave also occupy an important place in Islamic law.

158 Sophokles. *Antigone*. 2011.

159 Özsoy, H. 'Arafta Kalmak: Tarih mezarda başlar' (Suspended in Purgatory: History begins in the grave) *Politikart*, 7 May 2012 http://politikart1.blogspot.com/2012/05/arafta-kalmak-tarih-mezarda-baslar.html

The grave symbolizes the berzah (intermediate realm) between death and resurrection on Judgment Day.[160]

On the other hand, the word 'mezar' [grave] in Arabic is derived from the root 'ziyaret' [visit] and is used to mean 'a place of visit'. Visiting the deceased shows that there is a permanent, unbreakable symbolic connection between life and death. Especially in Middle Eastern societies this is a much more pronounced cult. If a person has occupied an important position in society, then he or she will perpetuate this role in a different manner.[161] This shows how the deceased are metaphorically coded in society both as outside society and above society, but not included in society. But to leave the deceased person without a grave means preventing such cultural and religious ceremonies that are based on traditions of thousands of years from taking place. Mourning, or şîn in Kurdish, is the most meaningful debt owed to the deceased. A friend of a forcibly disappeared person explains why the deceased should have a grave, and why he wants the bones of his friends in the plainest possible manner:

"It is an important thing, whether you carry out research on the subject, talk to the Saturday mothers here or people we know, their relatives must have a grave, and that is what they all say. They want to go there, plant some flowers, water them, caress and kiss the gravestone, that is what everyone wants."[162]

Although they belong to different religions and sects,[163] Kurds bury their dead, and observe a long period of mourning. The deceased is washed by a specially designated washer; the body is scrubbed with scented herbs, and then enshrouded. An oil lamp must be burned for three days in the funeral room. The body is placed not in a coffin, but a handbarrow, and is taken to the grave by his or her friends. Women, lamenting the dead in a vociferous manner, following an ancient pagan tradition, also take part in the funeral procession. The body is placed on the right side of the grave, facing Mecca.[164] The depth of the grave is the height of a person. This is followed by a mullah reciting the talqin, the graveside prayer. Laments (şin) are sung, and sometimes a speech honoring the dead is made. Cemeteries (goristan) are often located on a hill outside towns and villages. It is a tradition to plant trees, and especially judas trees in cemeteries. This is believed to dispel the gloom of the cemetery and allow the dead to rest. The style of gravestones varies from region to region. Often, a sêl is placed on either side of the grave; no further ornamentation is required. Often there is no inscription. But Sêfkan Ezidis sometimes erect an inscription in Arabic. Mourning, or şin, continues for a year according to rule. Relatives do not leave the home of the dead for the first three months to accept condolences (serxweşî). During mourning, or şin, there is no participation in feasts or celebrations for the relatives. A mourning meal is held on the third, seventh and fortieth days of mourning.[165]

160 Türkiye Diyanet Vakfı İslâm Ansiklopedisi (The Encyclopaedia of Islam), 2001:33-37.

161 Türkiye Diyanet Vakfı İslâm Ansiklopedisi (The Encyclopaedia of Islam), 2004:519-521.

162 Interview: İstanbul / 29.08.2012

163 The majority of Kurds adhere to orthodox Sunni Islam and follow the Shafi school (...) however, not all Kurds are Sunni and Shafi. In the southern and south-western parts of Kurdistan, in the Hanakin and Kermanşah provinces, many Kurdish tribes, and perhaps the majority of the Kurdish population in the region, adhere to Twelver Shi'ism, the official religion of Iran (...) In addition to orthodox Islam and Shi'ism, in various regions of Kurdistan, one comes across followers of ancient Iranian religions, Semitic religions, extreme Shi'ism, and heterodox and syncretic beliefs that bear traces of heterodox Sufism. The largest of such groups is the Alevis in the northwest (...) Another heterodox group in southern and south-western parts of Kurdistan is Ahl-e Haqq (...) The third heterodox group are the Yazidis, erroneously described as "worshippers of satan" (Ezidi in Kurdish). (Bruneissen, M. V. 2003:43-44)

164 In the Ezidi faith, the head of the deceased must face the east, towards the sun.

165 Bayrak, M. 2004:183-185.

The Relationship between Life and Death, and the Dead

It is a widespread belief that ancestors and the dead still symbolically rule societies and represent all values a society has accumulated to this day. The symbolic location for this is cemeteries. Cemeteries are places that are not detached from life and considered an extension of life, they are attended to and looked after with feelings that consist of a mixture of fear and respect. They are linking spaces of the desire not to sever ties with the past, to perpetuate cultural life in some manner, or in other words, of memory. A cemetery is also a place to remember. The past is constantly narrated to children, grandchildren via intergenerational transmission. Bringing together Middle Eastern and Kurdish cultures, the grave, the cemetery, and respect for the dead acquire a highly important position in social memory. Death is considered a continuation, a part of life; a relational process where the two elements involved do not exclude but interact with each other. Ibn Arabi says, "Death is the passing from the palace of the world to the stage of the afterlife; it is not the removal of life. Death is a special type of transition."[166] The fact that the cultural codes claiming it is necessary to die in order to live a more beautiful life emerged from this region, and that these cultural codes persist to this day reveal how effective the interaction between life and death is. In contrast, according to Baudrillard, modern Western culture consists entirely of a "tremendous effort to separate life and death."[167] In other words, modern Western culture refers to non-Western social structures via their failure to extricate life and death. This viewpoint, attributed to the Middle East, or associated with Islam, is also valid for the Kurds, and death is not something which is deferred, but a truth which is constantly present in life. In an environment where life and death are so closely nested within each other, and are not separated from one another by definite boundaries, the grave 'bestowed upon' the dead perhaps occupies the most significant position in social memory. Therefore, it is only natural that a deceased person has a grave. The absence of the body of the deceased, or the absence of a grave is unacceptable within this cultural structure. There are examples of this issue in the recent history of Kurdish society, in the cases of Sheikh Said, Seyyid Rıza and Said-i Kürdi.[168] The fact that all three of them were left without a grave is an act aimed at 'severing' the ties between these figures and both their religious and political followers and loved ones. This is a routine implementation of state violence. Since it carries both familial and national representation, the grave presents a motivating site for elected political and religious leaders to perpetuate their struggle. To be left without a grave means that this connection is left broken.

The belief in Abrahamic religions that death could come at any moment, and that a believer should always be prepared for it, prepares societies for death in a religious sense. According to Levinas, "...the deepest desire is the desire to exist, and death always comes early, and at an unexpected moment."[169] However soon it may come, death is not outside society's codes of life, but intersected with them. Yet, the state fails to position, define or, through religious institutions affiliated with the state, legitimize the individual it violently destroys and leaves without a grave. The state fails to make any statement regarding this destruction, to come up with a definition and thus faces an ontological problem in the cultural sense. It goes against the religious values of the vast majority of society. Therefore, this truth returns and hits the state in the face through its religious institutions and its system of law. However, on the other hand, the fear caused by the loss, the political message it

166 Ökten, K. H. 2010:152.

167 Baudrillard, J. 2009:261.

168 Hişyar Özsoy's doctoral thesis illuminates the topic referred to as the Two Saids and One Seyid, and the question why the Turkish State has hidden the locations of the three political and religious leaders of the Kurdish people: https://repositories.lib.utexas.edu/bitstream/handle/2152/ETD-UT-2010-05-854/OZSOY-DISSERTATION.pdf?sequence=2

169 Lévinas, E. 2006:113.

conveys and the outcome it wants leads to the state persisting in its policy of disappearance.

Oscillating in A Spiritual Vacuum: The Pendulum of Hope

To target the values of society means to attack its sacred notions, its traditions that are inherited from its ancestors, which occupy a significant part in the culture of sedentary civilization, and its religious rituals. There are two criteria taken into account here: The first is to keep the life of the relatives of the forcibly disappeared person under constant tension and trauma by not returning his or her body. As the poet states above, this is the pain a society is made to suffer as it seeks out its bones. The message conveyed with the policy of enforced disappearance reaches its destination. The second criterion is the positions in society of the disappeared individuals, and their cultural and political status. These are significant and notable people in the material and/or spiritual sense. The common statement of relatives of the disappeared during interviews was often that the disappeared person was a notable person who was esteemed in society. At this point, the issue is not the failure to face death, but to be left without a grave. The absence of a grave, or in other words, the failure to even find the body of the disappeared, means that the relatives lose their hope. In recent years, mainly in certain locations, bones have been discovered, and excavation work has been carried out with official supervision. This in fact provides some bittersweet hope that might enable families who almost have no expectation that a fragment of the disappeared will ever be found to escape their constantly fluctuating mood. The feeling that the bones that will be discovered belong to their relative will help them pass from a spiritual vacuum into a traditionally more 'normal' platform. They will be able to bury their dead, visit his or her grave and pray, and even though they will know that their disappeared relative won't turn up at their doorstep one day, they will shake off the painful hope and spiritual obligation caused by his or her absence.

The absence of a family member, of a father, brother, sister, spouse or child means not only that religious necessities remain unfulfilled, but also that the 'mourning' process, indispensable for life to return to normal, remains suspended. Deprivation of a body and a grave also renders mourning impossible. In such circumstances, the lives of the relatives of the disappeared continue to oscillate like a pendulum in space. In the words of a sibling of one of the disappeared, their lives are paralyzed, and they fail to continue their lives in this state:

"It is very difficult, you go and discover some bones, but do they belong to your relative? Normally, there is a funeral, you go and bury the deceased, mourn him or her for three or four days, people come and pay their condolences, and ten to fifteen days later, you begin to get used to it. At least you can say, 'I buried my relative,' and slowly you begin to get back to your life. But this is nothing like that; it has paralyzed the entire family. For instance, none of my elder brothers have held a wedding."[170]

When news comes that bones have been discovered, such moments are replaced by 'hopeful' anticipation. However, since the hegemonic structure holds the right to kill or let live, and possesses the institutions that make such decisions, it is also capable of naming and presenting the bones as it wishes. Let us progress with a concrete example. A relative of a disappeared person in Cizre is informed that an excavation will be made. The information he provides, and the DNA tests that are carried out, provide renewed hope that the bones might belong to his or her father. Since the bones were discovered six meters beneath the surface, it is almost certain that they are human bones. However, the decision of the state is final, and following tests it has carried out at one of its own institutions, the state claims that the discovered bones belong to animals. This family is not as 'lucky' as the family in the news report above. In the words of the relative of the disappeared:

170 Interview: İstanbul / 21.07.2012

"The bones were discovered in the tank battalion. They found a lot of bones there. Then we filed a case, presented our names. Then they told us that the bones were sent to forensic medicine in Istanbul. They said the bones belonged to animals. A digger dug six-seven meters deep, what were animal bones doing there? I do not believe it, it was a lie. When an animal dies, its bones remain above ground."[171]

Such traumas are repeated at every mass grave excavation, and every time bones are discovered. Relatives of the disappeared are notified, they are asked to write petitions and provide blood for DNA tests and then the hopeful wait begins. The news is often negative (sometimes the officials do not even bother to provide news): "These bones do not belong to you." The hopes of the relatives of the disappeared are extinguished once again. The repeated state of the relatives of the disappeared, the emergence of hope, and being pushed back into bottomless despair at the precise moment when a conclusion is about to be reached is reminiscent of the myth of Sisyphus, and his boulder that rolls back down the hill to its initial position precisely at the moment he is about to reach the summit.

In her work titled *Antigone's Claim,* Judith Butler examines Sophocles's tragedy by focusing on issues such as kinship, the state, and obedience; and makes a significant reference to Froma Zeitlin on the policy of leaving an individual without a grave: She claims that Creon in Antigone effectively obfuscates the boundary between life and death that the act of burial is supposed to draw. "Kreon's refusal of burial, (...) is an offense against the entire cultural order, ... but can also be construed as an offense against time itself."[172] An attack on the cultural order, in other words, the refusal of burial, causes a fracture in the social flow, with the hegemonic structure using the power it acquires from determining this state of *exception.* This is a state of vacuum where the control completely belongs to the hegemonic structure. Here, in addition to the attack on time as emphasized by Butler, there is also a control over space. In other words, this is the suspension of space (the absence of a grave) as an aspect that symbolizes the existence of a human being. To ontologically suspend a human being in a vacuum is to keep him or her on eternal standby. It is the state of constant oscillation for a pendulum that features hope on one side, and is activated by the flick of the hegemonic structure.

The Kurdish provinces where the highest number of enforced disappearance cases was recorded from the 1990s to the 2000s have turned into silent places with the impact of this trauma and being left in suspension. People do not, and cannot speak about this period. This period is suspended in their minds as a period that people experienced but do not, and do not want to remember. People recall the moment the enforced disappearance took place, and then, the legal process of the last five or six years. The gap in between, to use Jan Assmann's phrase, cannot be recounted, it is suppressed, and it slips away.[173] Some families explained in the interviews how they could not even talk about the disappearance of their father, son, brother, sister or cousin out of fear:

"I mean, it was the fear we felt, I could not sleep for eight months. I wanted to sleep, but sleep would not come. I was constantly receiving threat calls. We couldn't even petition the prosecutor out of fear. I was thinking, today they will take me in, or tomorrow, or two hours later, or two seconds, or five minutes. It was because of the fear. We were being threatened. We did not even state it, we did not even say, 'a relative of ours has been disappeared."[174]

The 1990s represent an interim period during

171 Interview: Şırnak-Cizre / 05.09.2012

172 Butler, J. *Antigone'nin İddiası (Antigone's Claim),* 2007:19.

173 Assmann, J. *Kültürel Bellek Eski Yüksek Kültürlerde Yazı, Hatırlama ve Politik Kimlik (Cultural Memory and Early Civilization: Writing, Remembrance and Political Imagination.),* 2000:52.

174 Interview: Şırnak-Silopi / 30.11.2012

which even memory itself was shelved, everything was frozen, and although not forgotten, was not mentioned. Fear, a wait without hope, and a fluctuating mood brought on by every new bone discovered in the pits of death. Although they know very well who, or which institution disappeared or ordered the disappearance of their relative, perhaps with a protective reflex, they sometimes cannot express it clearly. When one examines the Şırnak of the 1990s, or when one slightly scrapes the surface of the everyday life of people in Cizre, Silopi and İdil, a whole set of truths full of hidden, concealed and untold traumas appears. They state that they managed to remain standing only because they were right. Although there have not been any cases of enforced disappearance in recent years, the danger continues for them, because there has neither been an official apology, nor have the perpetrators been tried. The cases that were opened were later tied to other, main cases, and the real issue for them was overlooked. However, the real important issue is the fact that the bones have still not been discovered, and that their relatives remain graveless. This is a vacuum, which is meaningful in itself, is still preferred by the state, and naturally urges relatives of the disappeared to be more vigilant, and prevents them from talking about many things. In the areas where we carried out research (first and foremost in Cizre, Silopi and İdil) the shadow of the state in the 1990s continues to wield its power. The village guard system, and traces of the state of exception of that period continue in many aspects. Under such conditions, people need time to express themselves fully. The spouse of one of the disappeared summarizes the relationship she has with the state in a very explicit manner, keeping in mind that the state does have the power to kill them, but that it should remain bound by law:

"The state may even murder us, it is its job after all, it is within its powers. But it must show us the bodies of our dead ones, it must give us their bones."[175]

When relatives of the disappeared demand the bones of their loved ones, what they really want is both some information about the disappeared person, and to shed this state of 'absence'. Let us, in conclusion, lend an ear to the words of a relative who suffered the disappearance of seven people, including a brother and six relatives:

"Yet this issue cannot be resolved with two diggers digging away, or handing some bones over to us. Because our family will pursue this case until there is the last member left, including our nephews, our children, the children of our children. This case will be resolved, we want the perpetrators of this crime to be punished."[176]

175 Interview: Şırnak-Cizre / 02.09.2012

176 Interview: İstanbul / 21.07.2012

VII.
EPILOGUE:
“HE WAS SO SPECIAL, HE WAS SUCH A PERFECT PERSON”

Hannah Arendt, in her book titled *Eichmann in Jerusalem: A Report on the Banality of Evil* emphasizes Adolf Eichmann's rhetoric loaded with clichés. Adolf Eichmann was a lieutenant colonel who was one of the major organizers of the Holocaust; and in his responses to questions at the court he was tried at in Jerusalem and in his correspondence during the war, he communicates in an unconvincing style which is loaded with stock phrases and oft repeated clichés. Arendt explains Eichmann's style by his inability to think, or rather, his inability to think from other people's point of view; clichés almost allow him to don a protective armor of illusion that protects him from the truth.[177] The military officials, commanders, prosecutors, judges, lawyers, and the various representatives of the state spoke with the same clichés as if they had made an agreement amongst themselves when confronted by the relatives of the disappeared in their search for their relatives. These clichés served the same purpose in Turkey as they had done in Germany during the Holocaust: They allowed these officials to don protective armor.

As this highly organized structure turned Şırnak into a place of death and destruction through close collaboration, clichés, at the level of the various representatives of the state, constantly served as stock responses that would hopefully save the day. Human rights defenders who put on a struggle in Şırnak during this period recount both the recklessness of the death squads, and the crushing indifference of prosecutors, administrative directors and judges who responded to them with clichés.[178]

In the middle of this huge circle of death and indifference, the relatives of the disappeared flounder to express the uniqueness and irreplaceability of their loss. The singular, unique story of every single person that has been destroyed that cannot be transmitted fully even if it is put into words, runs the risk of being lost amidst generalities, political solutions and scientific analyses. Yet every disappeared person means a human being, a person with a unique, irreplaceable and inimitable existence has been destroyed. Every disappeared person means the destruction of a person who is a world in himself or herself. Here, we face something irretrievable, something that can't be brought back with figures, scientific inference, or the rankings of politics. This loss, the fact that we will never fully narrate the yearning and pain of, and the gap left behind by a person who has passed away, inevitably projects the traces of melancholy upon everything that is written on this subject. Everyone who has done any work on the forcibly disappeared will agree with the following words of Yıldırım Türker: "I would like to get to know all the disappeared, one by one. I do not want them to be collectively labeled as a social wound accompanied by a number, and placed somewhere distant from us, and for people to speak of our collective loss of memory with a pleased and smart attitude when they are remembered years from now."[179]

This irretrievable element, the loss of uniqueness when a person is lost is undoubtedly best recognized and felt by relatives of the disappeared. It is perhaps for this reason that all the relatives of the disappeared we interviewed told us that the disappeared person was a special person with fine qualities, how sharing he or she was, and how no one in the whole of Şırnak would say a single bad word against them, and that after all, this was the reason they were forcibly disappeared. Each one of them stated that their disappeared loved ones would have shared five liras of the ten liras in their pockets with anyone in need, that they never caused them any sorrow, and that they were very intelligent, perfect, and special people.

When one loses a loved one, it is not only the

177 Arendt, H. 2012:59.

178 Günel Tekin, G. *Teşkilat-ı Mahsusa'dan Ergenekon'a, Kayıplar, Yargısız İnfazlar ve Faili Meçhuller (The Disappeared, the Executions without Trial and Unsolved Murders From Teşkilat-ı Mahsusa [The Special Organization] to Ergenekon),* 2012:471.

179 Türker, Y. *Gözaltında Kayıp Onu Unutma! (Those Lost in Detention, Do Not Forget Them!),* 1995:11.

person that is lost, but also a part of one's own self, constituted in the relationship with the lost person.[180] In the presence of the loss, one knows that he or she has lost something that constitutes one's own self. Even if the perpetrators are tried, a record is kept of all the disappeared, the bones of the disappeared are discovered, the loss of the disappeared is irretrievable. Something that cannot be reduced to figures, described in writing, commemorated in ceremonies, or transmitted in repeated narratives always remains.

So when relatives of the disappeared talked about how special and perfect their loved one was, they were in fact talking about the unspeakable and the yearning brought on by the loss of the uniqueness of every person. They could not consent to their stories of the disappeared to be mentioned as mere figures among the disappeared of Şırnak, this was their way of underlining the uniqueness of their loss. "Ask the whole of Şırnak, if a single person speaks bad of him, if a single person says he harmed him in the slightest way, I will waive all my rights,"[181] they said. The whole of Şırnak was witness to the goodness, uniqueness and humanity of their loved one.

This was the part during which relatives of the disappeared spoke most comfortably of their personal emotions. This was when they talked about how much they missed their disappeared, and what a great pain it was for the loved ones of each disappeared person to accept this loss. And perhaps, they expressed their yearning most openly when they talked about the dreams they had. The disappeared reminded them of himself or herself as a unique and precious person in the most vivid manner in their dreams.

"He comes to me in my dreams. Sometimes I see him, he is just sitting there. I see the green nettle trees cover him, he sits below them, they are like a huge umbrella over him. I see him in my sleep. 'Ayşe,' he calls out to me, I look up, and I see my deceased son next to him, too. He asks me, 'Ayşe, do your eyes still see?' and 'Yes,' I reply. 'Do you see the white rock over there?' he asks me, 'Yes, I do,' I reply. 'Go there, you will find my clothes,' he says. There is a hill, a very high hill. Can I ever forget? Never. No one ever forgets her husband. Excuse the expression, apart from untrue people, no one ever forgets their husband. If there is something on your mind, you never forget."[182]

"But I swear in the presence of Allah, I will not forget this. I will not forget this, because I do not know his fate. Even now, I see him there, standing in front of me. I still have his hat, his clothes. He is there before my eyes, and he will always remain. For instance, when I am alone, the neighbors visit in the evening, we sit and chat, but when they leave, I am left alone here. Until twelve o'clock, or eleven o'clock. Then he suddenly comes and sits beside me. 'I see him now,' I say to myself, 'he is here'. I mean, I do not know his fate, and I cannot forget. We will not forget, we will never forget."[183]

180 Butler, J. *Precarious Life: The Powers of Mourning and Violence*, 2004:22.

181 Interview: Şırnak-Silopi / 30.11.2012

182 Interview: Şırnak-Cizre / 02.09.2012

183 Interview: Şırnak-Silopi / 30.11.2012

VIII. CONCLUSION AND RECOMMENDATIONS

In the light of the findings discussed above, the most important conclusion we have reached is that policies of enforced disappearance form a systematic whole as a certain political method in Şırnak. We believe that, in line with international academic literature on the subject, the term appropriate for this systematic policy is 'state terrorism'. Under the pretext of carrying out a 'war on terror', various representatives of the state created an unlawful zone where they recklessly murdered, disappeared and destroyed people. Such policies, in precisely the same manner as in El Salvador, Argentina and Peru, not only target both the disappeared and their close circles, but are also used to terrify and intimidate society in general.[184]

State terrorism has operated in many countries in the world by systematizing human rights violations, creating an unlawful zone on the pretext of a state of exception, and forming squadrons of death and destruction during post-coup periods, civil wars or ethnic conflicts with the use of the official forces of various state apparatuses or paramilitary elements, and refusing accountability. The events that took place in Şırnak in the 1990s in Turkey reveal that all the elements of state terrorism were present.

In the last thirty years, in various countries of the world, in the course of the processes of peace and democratization that followed military coups, rule under authoritarian regimes, civil war or ethnic conflicts which saw such systematic violations take place, or during which methods of state terrorism were applied, a transitional justice approach and the mechanisms proposed by this approach have been implemented. Each of these interrelated mechanisms is highly comprehensive, and those that have the most widespread use can be listed under four main headings: Trials, truth commissions, compensation programs that also include restorative mechanisms and institutional reforms.

Almost everywhere in the world, victims are demanding the exposure and punishment of the offenders. In the last thirty years, various courts, both local/national and international, have been established to try offenders in the aftermath of military coups, civil wars or ethnic conflict. In the context of transitional justice, such trials are indispensable not only in terms of individual offenders, but also to re-establish the rule of law and norms that uphold human rights, by exposing patterns of systematic crimes. Jaime Malamud-Goti, one of the chief architects of Alfonsin's prosecutions policy following the establishment of the National Commission on the Disappearance of Persons (CONADEP) in 1983 after the end of the junta regime in Argentina, explains the role of the trials that goes beyond meeting the victims' demand for justice thus: "(...) trying the perpetrators in the military of the worst crimes would contribute to the consolidation of democracy by restoring confidence in its mechanisms."[185]

Another important measure within the scope of transitional justice is truth commissions, a topic of frequent debate in Turkey in recent years. To briefly explain, one of the most important functions of truth commissions is to create a platform where the victims can make their voices heard. It is not enough for the events to be known, an official acknowledgement is also necessary, and it is precisely this acknowledgement that the truth commissions provide.

Another sign of official acknowledgement is compensation. Within the scope of transitional justice, compensation programs cover much more than cash payments. Symbolic official apologies towards an acknowledgement/acceptance and rebuilding confidence, the changing of the names of public places, the construction of museums and parks, and the transformation of spaces of torture and imprisonment into spaces of commemoration

184 Menjivar C., Rodriguez, N. "State Terror in the U.S. -Latin American Interstate Regime", 2005:20.

185 Arthur, P. "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice". 2009:323.

are other methods that form a significant part of compensation programs.

In cases where gross human rights violations take place, there is often institutional collaboration in addition to personal responsibility. The security apparatus, the justice system, the educational system, the media and higher education institutions collaborate institutionally to take part in these crimes, or turn a blind eye. Therefore, an important component for the reinstatement of justice and the fourth measure of transitional justice is institutional reforms.

These four headings, each one separately, and in relation to each other, are aimed at four main targets: the acknowledgement of the destruction that took place and its victims, the identification and punishment of the perpetrators, the reparation and compensation of the loss of the victims, and the prevention of similar violations in the future. This final target in particular can only be attained if the practices mentioned above are applied as part of an integrated approach. Often, truth commissions are criticized for providing criminals a means for avoiding trial. Yet, in many post-conflict or post-coup conditions when truth commissions are established, courts too are established simultaneously, or later. Documentation and witness accounts gathered via truth commissions are often used as evidence in courts. Truth commissions are entities that complement the trials with their function of enabling the victims to make their voices heard. Besides, both material and symbolic compensation is often determined in line with the proposals made as an outcome of the work of truth commissions, and especially symbolic compensation such as commemoration spaces, museums and monuments, play a complimentary role to truth commissions in rendering the victims visible and creating spaces where they can make their voices heard.

In this regard, the definition of justice in the transitional justice concept has a highly comprehensive scope. This, in fact, corresponds to the victims' own demand for justice: when victims speak of justice, they talk of the necessity to bring the perpetrators to justice, the acknowledgement of the disappeared, and the return of the bodies/bones of the victims, and the forcibly disappeared in particular, the apology of the state, and the construction of spaces of commemoration.

Another aspect of transitional justice that must be pointed out is the emergence in the last 10 years of an approach based on a gender perspective in transitional justice mechanisms. Although more progress is required in this field, in the truth commissions that have been established in recent years in Haiti, Sierra Leone and East Timor, sexual violence has been included in the definition of the commissions' field of duty and authority from the start. A gender-focused approach has been adopted and research has been carried out into the impact of violations such as enforced disappearance on women, the increase in subjection to hunger and sexual violence, enforced labor and deprivation from basic social/political/economic rights.

Before we continue with our proposals as Truth Justice Memory Center, it is important to consider the proposals of the relatives of the disappeared. The demands and proposals of the relatives of the disappeared in essence overlap with the main elements of transitional justice mentioned briefly above and can be summarized as acknowledgment, acceptance, accountability, compensation and atonement. In demanding 'justice', the relatives of the disappeared, like transitional justice, demand a broadly defined concept of justice. In addition to retributive justice that aims to try and sentence criminals, restorative justice, which includes the revelation of truth, the official and public acknowledgement of violations and an apology, is also among the demands of the relatives of the disappeared. These proposals may be listed under a few headings:

■ The trial of perpetrators, and in view of the nature of the crime they have committed, their

exemption from any amnesty or extenuation;

■ The acknowledgement by the state of its intentional role in the events, and its public recognition;

■ After the recognition and acknowledgement of the crime it has committed, an apology issued by the state – first of all to the relatives of the disappeared, and then the whole of society;

■ Following the trials, the acknowledgement of the crime, the apology, and pecuniary and non-pecuniary compensation. Relatives of the disappeared very clearly underlined the fact that any compensation would only be meaningful if the aforementioned conditions were fulfilled, and that otherwise it would be perceived as blood money and create even greater anger.

As we see, relatives of the disappeared, emphatically underline all four main mechanisms of transitional justice mentioned above, with two of these given precedence – trials and both pecuniary and non-pecuniary compensation. They also emphasize the importance of the establishment of truth commissions, of the truth to be known and acknowledged, and of their voices being heard. Although the relatives of the disappeared do not directly mention institutional reforms, they do touch upon the subject in their demands for equal citizenship. As explained in the section on citizenship, the relatives of the disappeared say that the state apparatus should not disappear its citizens, and imply that for the reinstatement of justice, those who have committed this crime should not continue to serve within the state apparatus.

In the framework of the targets and basic mechanisms of transitional justice, we would also like to add the following proposals to the proposals voiced by the relatives of the disappeared:

Mechanisms with a focus on the state:

■ Following the processes of recognition and apology, the implementation of institutional reform by removal from office of all public officials in both the military and civilian security apparatuses directly involved in the enforced disappearances that took place in the 90s;

■ The abolition of the village guard system, the cancellation of temporary village guardianship; the implementation of institutional reform by removal from office of all judges and prosecutors who worked in the judicial apparatus during the period when enforced disappearances intensified, and who systematically displayed indifference towards such cases;

■ The swift and fair execution of judicial proceedings, without allowing the statute of limitations to be activated in the scope of crimes against humanity, and the conveyance of international experience and knowledge in this field to Turkey, taking into account international examples during this process.

Mechanisms with a focus on the relatives of the disappeared:

■ The formation of Truth Commissions under the supervision of the Parliament and the participation of civil society organizations, and the design of the process not only via criminal proceedings, but by focusing on the needs of the victims;

■ The formation of comprehensive, multi-dimensional, gender sensitive compensation programs oriented towards meeting the diverse needs of families by taking into account the views of the relatives of the disappeared;

■ The organization and sustainment of the compensation and atonement process in tandem with grassroots organizations founded by relatives of the disappeared.

Mechanisms with a social focus:

■ The commitment to memory of these events via monuments, museums and commemorations, and raising awareness of an approach based on the motto, “Never Again!” to prevent such events taking place again;

■ The transmission to various social circles of the truth about enforced disappearances with artworks in various media such as film, theatre, music, installations and video clips;

■ The inclusion of the last thirty years of Turkey in history course books at school level, in order to create a broader social awareness of systematic human rights violations, including enforced disappearances;

■ With lectures, research programs and projects developed at universities, using new and innovative methods to disseminate the knowledge about the state of exception experienced during the 90s, with an emphasis on enforced disappearances.

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DECISIONS, LAWS, RESOLUTIONS AND BILL OF INDICTMENTS

Parliamentary inquiry proposal presented by Ankara member of parliament Eşref Erdem and his 23 friends, batman member of parliament Ataullah Hamidi and his 22 friends, İçel member of parliament Oya Araslı and her 20 friends, Istanbul member of parliament Halit Dumankaya and his 23 friends and Istanbul member of parliament Mehmet Cevdet Selvi and his 21 friends in accordance with article 98 of the constitution, and articles 104 and 105 of internal parliamentary regulations for the clarification of the ties of illegal organizations with the state and the Susurluk accident and the relationships in its background exposed by the accident, and the parliamentary inquiry commission report no.S (10/89,110,124,125 and 126. Date: 03.04.1997. (Accessed on: 10.02.2013) http://www.tbmm.gov.tr/sirasayi/donem20/yil01/ss301.pdf

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Bill of Indictment No. 2009/972 of the Diyarbakır Public Prosecutor's Office.

BIOGRAPHIES

ÖZGÜR SEVGİ GÖRAL

Göral is one of the founders of Truth Justice Memory Center. She received her master's degree with her thesis titled The Child Question and Juvenile Delinquency During the Early Republican Era from the Atatürk Institute at Boğaziçi University. She is currently working on her doctoral thesis on forced migration and the urban impact of migration in Istanbul at the École des Hautes Études en Sciences Sociales. Göral has taught various courses at Istanbul Technical University, Yıldız Technical University, Sabancı University and Boğaziçi University, and has been a member of the Istanbul Bar Association since 2009. She continues to work as a Program Director at Truth Justice Memory Center.

ÖZLEM KAYA

After completing her master's thesis at the Sociology Department at Middle Eastern Technical University, she has been continuing her doctoral studies at the Atatürk Institute at Boğaziçi University. Kaya has also worked as a translator, and in addition to translations of essays for the Truth Justice Memory Center web site, she has also translated Nina Power's book One Dimensional Woman into Turkish. She worked as a part-time project coordinator at the Friedrich Ebert Stiftung Turkey office on a project on the process of writing a new constitution in Turkey. For the past year, she has been working as a member of the documentation team at Truth Justice Memory Center.

AYHAN IŞIK

Ayhan Işık is currently continuing work on his master's degree at the Department of History at Bilgi University. He is an editorial board member of Toplum ve Kuram, a biannual academic journal focusing mainly on Kurdish studies, which has so far published 7 issues. He is also a member of the Kurdology Studies Group, which was formed to transcribe Ottoman texts into modern Turkish, and most recently prepared the study titled Rojî Kurd 1913. His studies focus on topics such as regional primary boarding schools, oral history, forced migration and official Kurdish reports from the early Republican period.

LIST OF THE DISAPPEARED VERIFIED BY TRUTH JUSTICE MEMORY CENTER

The Truth Justice Memory Center has confirmed that the 262 people on this list were forcibly disappeared. Our sources include the interviews we carried out with the relatives of the disappeared, applications made to the European Court of Human Rights, and data we have gathered from lawyers and bar associations who have represented enforced disappearance cases especially in Cizre, Silopi, İdil and Diyarbakır.
In order to verify this list, we took into account the following data:

- Testimonies of the relatives of the forcibly disappeared;
- Reports of the Human Rights Investigation Commission of the Grand National Assembly of Turkey;
- Case files of enforced disappearances that have been referred to local courts;
- Investigation files of enforced disappearance cases that continue to be investigated by Prosecution Offices;
- Petitions of complaint as procedure of legal application;
- Applications to and decisions of the European Court of Human Rights;
- Official statements that have been signed in the presence of lawyers and are valid as declarations.

When sources contradicted each other, we relied on legal data. The reason for this is the fact that legal data is the basis to overcome the impunity in enforced disappearance cases. Legal data is used as a reference when statute of limitations periods are calculated, or perpetrators are determined. However, if there was a contradiction between the accounts of the relatives of the forcibly disappeared and legal data, we added the narrative data as a footnote. We prioritized data in the final decisions of the European Court of Human Rights. We allowed the same priority for ECtHR applications.

The respect we felt for the forcibly disappeared necessitated a considerable effort on our part to ensure the accuracy of the data of the list we formed. However, despite all such effort, the list may still contain deficiencies or mistakes. It is highly important that these are reported to our center to eliminate the deficiencies of this study. To report such deficiencies, or to provide new information please call us at (+90) 212 243 32 27 or mail us at info@hakikatadalethafiza.org. The most up to date version of the list can be found at www.zorlakaybetmeler.org.

	NAME-SURNAME	DATE	PROVINCE	LOCATION	SOURCE
1	**Abbas Çiğden**	01/01/1988 (1) Month and day unknown	Şırnak	Silopi / Derebaşı Village	Official minutes dated 29 January 2009 signed in the presence of lawyers affiliated with the Şırnak Bar Association
2	**Abdo Yamuk**	01/10/1993 (2) Day unknown	Diyarbakır	Kulp / Alaca Vlg.	ECtHR Application No: 23954/94
3	**Abdulaziz Gasyak**	06/03/1994	Şırnak	Cizre - Silopi Highway	Interviews with relatives of Süleyman Gasyak and Ömer Candoruk who were forcibly disappeared together -Süleyman Gasyak's wife Leyla Gasyak and Ömer Candoruk's wife Hanım Candoruk and son Mesut Candoruk / ECtHR Application No : 27872/03 / Diyarbakır 6. Criminal Court File No:2009/470
4	**Abdulhakim Tanrıverdi**	01/04/1993 (3) Day unknown	Şırnak	Cizre / Kuştepe Vlg.	Interview with Atike Tanrıverdi and İdris Tanrıverdi / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
5	**Abdulhamit Düdük**	16/07/1994	Şırnak	Silopi	Diyarbakır 6. Criminal Court File No: 2009/470
6	**Abdulkerim Kalkan**	01/05/1992 (4) Day unknown	Şırnak	Cizre / İnci Vlg.	Interview with Zekiye Kalkan
7	**Abdullah Canan**	17/01/1996	Hakkari	Yüksekova - Van Hwy.	ECtHR Application No: 39436/98
8	**Abdullah Düşkün**	16/04/1994	Şırnak	Cizre	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
9	**Abdullah Efelti**	01/02/1995 Day unknown	Şırnak	Cizre	Interview with Mesut Efelti and Besna Efelti / Diyarbakır 6. Criminal Court File No: 2009/470
10	**Abdullah İnan**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03
11	**Abdullah Kert**	01/09/1990 Gün bilinmiyor	Hakkari	Yüksekova / Tılur Vlg.	Interview with Salih Kert / Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
12	**Abdullah Özdemir**	06/06/1994	Şırnak	Silopi / Zıristan Hamlet / Üçağaç Vlg.	Interview with Tahir Özdemir / Diyarbakır 6. Criminal Court File No: 2009/470
13	**Abdullah Turğut**	01/11/1995 Day unknown	Şırnak	Silopi	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
14	**Abdulvahap Timurtaş**	14/08/1993	Şırnakz	Silopi / Yeniköy	ECtHR Application No: 23531/94
15	**Abdurrahman Afşar**	01/03/1994 Day unknown	Şırnak	Cizre	Diyarbakır 6. Criminal Court File No: 2009/470
16	**Abdurrahman Coşkun**	03/11/1995 (5)	Mardin	Dargeçit	Dargeçit Office of the Chief Public Prosecutor Inquiry No: 1995/2
17	**Abdurrahman Hoca Şuho**	30/11/1995	Şırnak	Silopi	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
18	**Abdurrahman Olcay**	01/11/1995 (5) Day unknown	Mardin	Dargeçit	Dargeçit Office of the Chief Public Prosecutor Inquiry No: 1995/2
19	**Abdurrahman Yılmaz**	01/02/1994 (6) Day unknown	Şırnak	Cizre	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
20	**Abdurrezzak Binzet**	16/07/1997	Şırnak	Silopi	Diyarbakır 6. Criminal Court File No: 2009/470

21	**Abidin Pulat (Polat) (7)**	01/10/1995 Day unknown	Şırnak	Silopi / Buğdaylı Vlg.	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
22	**Adil Ölmez**	01/01/1995 Month and day unknown	Şırnak	Cizre	Interview with Mustafa Ölmez / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
23	**Agit Akipa**	11/12/1991	Şırnak	İdil	ECtHR Application No: 56291/12
24	**Ahmet Berek**	01/01/1993 Month and day unknown	Şırnak	Cizre	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
25	**Ahmet Bulmuş**	01/04/1994 (8) Day unknown	Şırnak	Cizre	Interview with Vedat Bulmuş / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
26	**Ahmet Bozkır**	26/08/1996	Hakkari	Otluca Vlg.	ECtHR Application No: 24589/04
27	**Ahmet Çakıcı**	08/11/1993	Diyarbakır	Hazro / Çitlibahçe Vlg.	ECtHR Application No: 23657/94
28	**Ahmet Dansık**	22/02/1995	Şırnak	Silopi	Interview with Abdullah Dansık / Official minutes dated 26 January 2009 signed in the presence of lawyers affiliated with the Şırnak Bar Association
29	**Ahmet Er**	14/07/1995	Hakkari	Çukurca / Kurudere Vlg.	ECtHR Application No: 23016/04
30	**Ahmet Kalpar**	05/12/1993	Şanlıurfa	Siverek	Petition presented to Istanbul Office of the Chief Public Prosecutor Inquiry No: 2007/1536
31	**Ahmet Özdemir**	13/08/1994	Şırnak	Güçlükonak / Fındık Vlg.	Interview with Taybet Özdemir / ECtHR Application No: 30953/96, 30954/96, 30955/96, 30956/96
32	**Ahmet Özer**	13/08/1994	Şırnak	Güçlükonak / Fındık Vlg.	Interview with Fatım Özer / ECtHR Application No: 30953/96, 30954/96, 30955/96, 30956/96
33	**Ahmet Sanır**	01/03/1994 Day unknown	Şırnak	Merkez / Ara Vlg.	Official minutes dated 27 January 2009 signed in the presence of lawyers affiliated with the Şırnak Bar Association
34	**Ahmet Şayık**	07/01/1994	Şırnak	Silopi	Interview with Şeyhmus Şayık / Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
35	**Ahmet Şen**	01/01/1994 Month and day unknown	Şırnak	Güçlükonak	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
36	**Ahmet Ürün**	14/04/1996	Şırnak	Center / Gazipaşa District	Şırnak Office of the Chief Public Prosecutor Inquiry No: 1996/158
37	**Ahmet Üstün**	01/04/1994 Day unknown	Şırnak	Cizre	Interview with Fadile Üstün and Ali Üstün / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
38	**Ahmet Yetişen**	14/11/1994	Batman		ECtHR Application No: 21099/06
39	**Ali Efeoğlu**	05/01/1994	İstanbul	Pendik	Istanbul Office of the Chief Public Prosecutor Inquiry No: 1994/4970
40	**Ali İhsan Çiçek**	10/05/1994	Diyarbakır	Lice / Dernek Vlg.	ECtHR Application No: 25704/04
41	**Ali İhsan Dağlı**	14/04/1995	Diyarbakır	Silvan / Eşme Vlg.	ECtHR Application No: 75527/01,11837/02

42	**Ali Karagöz**	27/12/1993	Şırnak	Cizre	Interview with Ayşe Karagöz / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/435
43	**Ali Müldür**	Date unknown	Şırnak	Silopi (**9**)	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
44	**Ali Osman Heyecan**	01/01/1995 Month and day unknown	Şırnak	Silopi	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/423
45	**Ali Tekdağ**	13/11/1994	Diyarbakır	Dağkapı	ECtHR Application No: 27699/95
46	**Aşur Seçkin**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03
47	**Atilla Osmanoğlu**	25/03/1996	Diyarbakır		ECtHR Application No: 48804/99
48	**Aydın Kişmir**	06/10/1994	Diyarbakır		ECtHR Application No: 27306/95
49	**Ayhan Efeoğlu**	06/10/1992	İstanbul		Istanbul Office of the Chief Public Prosecutor Inquiry No: 2012/535
50	**Ayşenur Şimşek**	24/01/1995	Ankara		Petition presented to Istanbul Office of the Chief Public Prosecutor Inquiry No: 2007/1536
51	**Ayten Öztürk**	27/07/1992	Dersim		Malatya Office of the Chief Public Prosecutor Inquiry No: 2012/169
52	**Bahri Arslan**	01/04/1985 Day unknown	Şırnak	Merkez / Kırkkuyu Vlg.	Petition of complaint dated 25 March 2009 presented to the Cizre Office of the Chief Public Prosecutor
53	**Bahri Esenboğa**	13/08/1994	Şırnak	Güçlükonak / Fındık Vlg.	Interview with Hatice Özdemir / ECtHR Application No: 30953/96, 30954/96, 30955/96, 30956/96
54	**Bahri Şimşek**	01/10/1993 (**2**) Day unknown	Diyarbakır	Kulp / Alaca Vlg.	ECtHR Application No: 23954/94
55	**Bedri Berek**	01/01/1994 Month and day unknown	Şırnak	Cizre	Interview with Cevher Berek
56	**Behçet Tutuş**	01/10/1993 (**2**) Day unknown	Diyarbakır	Kulp / Alaca Vlg.	ECtHR Application No: 23954/94
57	**Bilal Batırır**	08/03/1996	Mardin	Dargeçit	Dargeçit Office of the Chief Public Prosecutor Inquiry No: 1995/2
58	**Casım Çelik**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03
59	**Celil Aydoğdu**	01/10/1993 (**2**) Day unknown	Diyarbakır	Kulp / Alaca Vlg.	ECtHR Application No: 23954/94
60	**Cemal Geren**	10/02/1991	Şırnak	Cizre	Interview with Hizni Geren
61	**Cemal Kavak**	24/04/1996	Diyarbakır	Kuruçeşme	ECtHR Application No: 53489/99
62	**Cemal Sevli**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03

63	**Cemil Kırbayır**	13/09/1980	Kars	Göle	Interview with Mikail Kırbayır / Kars Office of the Chief Public Prosecutor Inquiry No: 2011/899 / The Grand National Assembly of Turkey, Human Rights Investigation Committee's Subcommittee for the Investigation of the Fate of People Allegedly Disappeared Whilst In Custody on the Basis of the Disappearance Case of Tolga Baykal Ceylan, the "Cemil Kırbayır" Report
64	**Cemile Şarlı**	24/12/1993	Bitlis	Tatvan / Ulusoy Vlg.	ECtHR Application No: 24490/94
65	**Cezayir Orhan**	24/05/1994	Diyarbakır	Kulp / Çağlayan Vlg. / Deveboyu Hamlet	ECtHR Application No: 25656/94
66	**Davut Altınkaynak**	03/11/1995 (**5**)	Mardin	Dargeçit	Dargeçit Office of the Chief Public Prosecutor Inquiry No: 1995/2
67	**Deham Günay**	11/07/1997	Şırnak	Silopi	ECtHR Application No: 51210/99
68	**Derviş Özalp**	10/02/1994	Şırnak	Cizre	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
69	**Ebubekir Aras**	01/07/1992 Day unknown	Şırnak	Cizre	Interview with Hediye Aras
70	**Ebubekir Dayan**	17/01/1994	Şırnak	Cizre	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
71	**Ebubekir Deniz**	25/01/2001	Şırnak	Silopi	Interview with Mehmet Ata Deniz / ECtHR Application No: 65899/01
72	**Ebuzeyt Aslan**	07/09/2001	Van		ECtHR Application No: 75307/01
73	**Emin Altan**	07/04/1996	Diyarbakır	Center / Bağlar	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
74	**Emin Karatay**	01/06/1991 Day unknown	Şırnak	Cizre / Bozalan Vlg.	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
75	**Emin Kaya**	Date unknown	Şırnak	Güçlükonak	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/546
76	**Emin Savgat**	01/02/1993 Day unknown	Şırnak	Cizre / Dirsekli Vlg. / Kurtuluş Hamlet	Petition of complaint dated 25 March 2009 presented to the Cizre Office of the Chief Public Prosecutor / Official minutes dated 26 January 2009 signed in the presence of lawyers affiliated with the Şırnak Bar Association
77	**Enver Akan**	15/10/1998	Mardin	Dargeçit (**10**)	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
78	**Fahriye Mordeniz**	28/11/1996	Diyarbakır		ECtHR Application No: 49160/99
79	**Fehmi Tosun**	19/10/1995	İstanbul	Avcılar	Interview with Hanım Tosun / ECtHR Application No: 31731/96
80	**Ferhat Tepe**	28/07/1993	Bitlis		ECtHR Application No: 27244/95
81	**Fethi Ildır**	01/09/1993 Day unknown	Şırnak	Cizre / Kuştepe Vlg.	Cizre Office of the Chief Public Prosecutor Inquiry No: 1993/492
82	**Fethi Yıldırım**	05/01/1994	Şanlıurfa	Viranşehir	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151

83	**Fettah Erden**	01/01/1994 (**11**) Month and day unknown	Şırnak	Güçlükonak / Boyuncuk Vlg.	Cizre Civil Court of First Instance File Number: 2005/236 File - 2007/22 Decision
84	**Feyzi Bayan**	29/09/1989 (**1**)	Şırnak	Silopi / Derebaşı Vlg.	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
85	**Fikri Özgen**	27/02/1997	Diyarbakır		ECtHR Application No: 38607/97
86	**Fikri Şen**	13/08/1994	Şırnak	Güçlükonak / Fındık Vlg.	Interview with Adile Şen / ECtHR Application No: 30953/96, 30954/96, 30955/96, 30956/96
87	**Hakkı Kaya**	16/11/1996	Diyarbakır		ECtHR Application No: 4451/02
88	**Halil Alpsoy**	01/01/1994 Month and day unknown	İstanbul	Küçükçekmece / Kanarya District	Interview with Fikriye Alpsoy
89	**Halil Birlik**	07/11/1996 (**12**)	Şırnak	Silopi / Habur Border Gate	Interview with Çetin Birlik / Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
90	**Halit Aslan**	07/09/2001	Van		ECtHR Application No: 75307/01
91	**Halit Ertuş**	26/08/1996	Hakkari	Otluca Vlg.	ECtHR Application No: 24589/04
92	**Halit Özdemir**	01/01/1993 (**21**) Month and day unknown	Şırnak	Silopi / Görümlü Vlg.	ECtHR Application No: 7524/06
93	**Hamdo Şimşek**	01/01/1993 (**21**) Month and day unknown	Şırnak	Silopi / Görümlü Vlg.	ECtHR Application No: 39046/10
94	**Hasan Avar**	01/10/1993 (**2**) Day unknown	Diyarbakır	Kulp / Alaca Vlg.	ECtHR Application No: 23954/94
95	**Hasan Aydoğan**	31/03/1998	İzmir	Çeşme / Alaçatı	Petition presented to Istanbul Office of the Chief Public Prosecutor Inquiry No: 2007/1536
96	**Hasan Baykura**	01/12/1993 (**23**) Day unknown	Şırnak	Cizre	Interview with Suphiye Baykura / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
97	**Hasan Bayram**	01/05/1994 Day unknown	Diyarbakır	Lice	Lice Office of the Chief Public Prosecutor Inquiry No: 1994/57 / ECtHR Application No: 987/02 (Decision of inadmissibility)
98	**Hasan Ergül**	23/05/1995	Şırnak	Silopi	Interview with Hizni Ergül / Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
99	**Hasan Esenboğa**	25/12/1994	Şırnak	Cizre	Interview with Hatice Özdemir / İdil Office of the Chief Public Prosecutor Inquiry No: 1994/287
100	**Hasan Gülünay**	20/07/1992	İstanbul		Interview with Birsen Gülünay / İstanbul Office of the Chief Public Prosecutor Inquiry No: 2009/61296
101	**Hasan Kaya**	21/02/1993	Elazığ		ECtHR Application No: 22535/93
102	**Hasan Ocak**	21/03/1995	İstanbul		ECtHR Application No: 28497/95
103	**Hasan Orhan**	24/05/1994	Diyarbakır	Kulp / Çağlayan Vlg. / Deveboyu Hamlet	ECtHR Application No: 25656/94
104	**Hayrullah Öztürk**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03

105	**Hazım Ünver**	01/10/1996 Day unknown	Şırnak	Silopi (**13**)	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
106	**Hikmet Kaya**	04/11/1994 (**5**)	Mardin	Dargeçit	Dargeçit Office of the Chief Public Prosecutor Inquiry No: 1995/2
107	**Hükmet Şimşek**	01/01/1993 (**21**) Month and day unknown	Şırnak	Silopi / Görümlü Vlg.	ECtHR Application No: 39046/10
108	**Hurşit Taşkın**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03
109	**Hüsamettin Yaman**	01/01/1992 (**22**) Month and day unknown	İstanbul	Merter	Interview with Feyyaz Yaman / Istanbul Office of the Chief Public Prosecutor Inquiry No: 2011/71615
110	**Hüseyin Demir**	26/09/1994	Şırnak	İdil	İdil Office of the Chief Public Prosecutor Inquiry No: 1994/211
111	**Hüseyin Koku**	20/10/1994	Kahraman-maraş	Elbistan	ECtHR Application No: 27305/95
112	**Hüseyin Morsümbül**	18/09/1980	Bingöl	-	Petition of complaint sent via official correspondence to the Bingöl Office of the Chief Public Prosecutor. Istanbul Office of the Public Prosecutor Correspondence No: 2011/2536
113	**Hüseyin Taşkaya**	05/12/1993	Şanlıurfa	Siverek	Interview with Sultan Taşkaya / Petition presented to Istanbul Office of the Chief Public Prosecutor Inquiry No: 2007/1536
114	**Hüseyin Yeşilmen**	01/01/1993 Day unknown	Şırnak	Cizre	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
115	**İbrahim Adak**	01/02/1994 Day unknown	Şırnak	Cizre	Diyarbakır 6. Criminal Court File No: 2009/470
116	**İbrahim Akıl**	01/01/1993 (**21**) Month and day unknown	Şırnak	Silopi / Görümlü Vlg.	ECtHR Application No: 7524/06
117	**İbrahim Demir**	11/12/1991	Şırnak	İdil	ECtHR Application No: 56291/12
118	**İhsan Arslan**	27/12/1993	Şırnak	Cizre	Interview with Şevkiye Arslan / Diyarbakır 6. Criminal Court File No: 2009/470
119	**İhsan Haran**	24/12/1994	Diyarbakır		ECtHR Application No: 28299/95
120	**İkram İpek**	18/05/1994	Diyarbakır	Lice / Türeli Vlg. / Çaylarbaşı Hamlet	ECtHR Application No: 25760/94
121	**İlhan Bilir**	01/01/1992 Month and day unknown	Şırnak	Center	Interview with Güllü Bilir
122	**İlhan İbak**	13/08/1994	Şırnak	Güçlükonak / Fındık Vlg.	Interview with İsmet İbak and Şerif İbak / ECtHR Application No: 30953/96, 30954/96, 30955/96, 30956/96
123	**İlyas Diril**	13/05/1994	Şırnak	Beytüşşebap	ECtHR Application No: 68188/01

124	**İlyas Eren**	11/03/1997	Diyarbakır		ECtHR Application No: 42428/98
125	**İsa Efe**	09/07/1996	Mardin	Derik / Tepebağ Vlg.	ECtHR Application No: 39235/98 (Decision of inadmissibility)
126	**İsa Soysal**	01/01/1988 (14) Month and day unknown	Şırnak	Silopi / Bozalan Vlg.	Interview with Musa Soysal / Silopi Office of the Chief Public Prosecutor Inquiry No. 2008/3151
127	**İsmail Bahçeci**	24/12/1994	İstanbul	Levent	Interview with Umut Bahçeci
128	**İzzet Padır**	06/06/1994	Şırnak	Silopi / Zıristan Hamlet / Üçağaç Vlg.	Interview with Harun Padır and Musa Padır / Diyarbakır 6. Criminal Court File No: 2009/470
129	**İzzettin Acet**	28/10/1994	Şırnak	Cizre	Interview with Taybet Acet and Mesut Acet / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
130	**İzzettin Yıldırım**	29/12/1999	İstanbul		ECtHR Application No: 29109/03
131	**Kamil Bilgeç**	27/11/1995	Şırnak	Silopi	Interview with Yusuf Kerimoğlu / Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
132	**Kasım Alpsoy**	19/05/1995	Adana		Interview with Halil Alpsoy's wife Fikriye Alpsoy / Petition presented to Istanbul Office of the Chief Public Prosecutor Inquiry No: 2007/1536
133	**Kemal İzci**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03
134	**Kemal Mubariz**	02/01/1994	Mardin	Nusaybin	Interview with Ömer Mubariz / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
135	**Kenan Bilgin**	12/09/1994	Ankara		ECtHR Application No: 25659/94
136	**Kerevan İrmez**	19/10/1995	Şırnak	Cizre	Official minutes dated 26 January 2009 signed in the presence of lawyers affiliated with the Şırnak Bar Association
137	**Kuddusi Adıgüzel**	15/03/1994	Diyarbakır	Kulp / Konuklu Vlg. / Arık Hamlet	ECtHR Application No: 23550/02 / Kulp Office of the Chief Public Prosecutor Inquiry No: 2001/189
138	**Lokman Akay**	06/11/1995	Şırnak	Cizre	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
139	**Lokman Kaya**	26/08/1996	Hakkari	Otluca Vlg.	ECtHR Application No: 24589/04
140	**M. Ali Mandal**	31/03/1998	İzmir	Çeşme / Alaçatı	Petition presented to Istanbul Office of the Chief Public Prosecutor Inquiry No: 2007/1536
141	**Mahmut Mordeniz**	28/11/1996	Diyarbakır		ECtHR Application No: 49160/99
142	**Mahrem Tanrıverdi**	06/05/1994	Diyarbakır	Lice	7. Army Corps Office of the Military Prosecutor File No: 2005/833
143	**Makbule Ökden**	Date unknown	Şırnak	Cizre	Interview with Sitti Tanrıverdi / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
144	**Mehdi Akdeniz**	20/02/1994	Diyarbakır	Kulp / Karaorman Vlg. / Sesveren Hamlet	ECtHR Application No: 25165/94

145	**Mehmet Abdulillah Heyecan**	01/01/1995 Month and day unknown	Şırnak	Silopi	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/423
146	**Mehmet Acar**	01/02/1994 Day unknown	Şırnak	Cizre / Dirsekli Vlg. / Züra Area	Interview with Necat Acar / Diyarbakır Office of the Chief Public Prosecutor Inquiry No: 2009/906 and Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
147	**Mehmet Bilgeç**	07/11/1996	Şırnak	Silopi / Habur Border Gate	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
148	**Mehmet Dansık**	22/02/1995	Şırnak	Silopi	Interview with Abdullah Dansık / Official minutes dated 26 January 2009 signed in the presence of lawyers affiliated with the Şırnak Bar Association
149	**Mehmet Elçi**	05/02/1994	Şırnak	Cizre	Petition of complaint dated 27 March 2009 presented to the Cizre Office of the Chief Public Prosecutor
150	**Mehmet Emin Aslan**	02/11/1995 (**5**)	Mardin	Dargeçit	Dargeçit Office of the Chief Public Prosecutor Inquiry No: 1995/2
151	**Mehmet Emin Kaynar**	28/10/1994	Şırnak	Cizre	Interview with Abdurrahman Kaynar / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
152	**Mehmet Emin Özalp**	25/09/1994	Şırnak	İdil / Bereketli Vlg.	Interview with Emine Özalp / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
153	**Mehmet Ertak**	21/08/1992	Şırnak		ECtHR Application No: 20764/92
154	**Mehmet Faysal Ötün**	02/10/1994	Mardin	Derik	Çorum 2. Criminal Court File No: 2013/50
155	**Mehmet Fındık**	31/12/1995	Şırnak	Silopi / Doruklu Vlg.	Interview with Sait Fındık / ECtHR Application No: 33898/11 and 35798/11 (Decision of inadmissibility)
156	**Mehmet Gürri Özer**	01/02/1994 Day unknown	Şırnak	Cizre	Diyarbakır 6. Criminal Court File No: 2009/470
157	**Mehmet İlbasan**	01/01/1994 (**15**) Month and day unknown	Şırnak	Cizre	Diyarbakır 6. Criminal Court File No: 2009/470
158	**Mehmet Kanlıbıçak**	27/12/1999	İstanbul		Name mentioned in the event account cited in the ECtHR decision on İzzettin Yıldırım with Application number 29109/03.
159	**Mehmet Mungan**	18/03/1998 (**16**)	Şırnak	Silopi / Yeniköy / Ceylan Hamlet	Interview with Mustafa Mungan / Official minutes dated 26 January 2009 signed in the presence of lawyers affiliated with the Şırnak Bar Association
160	**Mehmet Nezir Duman**	13/02/1993	Şırnak	İdil	Interview with Ali Duman, Yusuf Duman, Azime Duman and Veysel Vesek / İdil Office of the Chief Public Prosecutor Inquiry No: 2009/168
161	**Mehmet Ömeroğlu**	07/01/1994	Şırnak	Silopi	Interview with İsa Ömeroğlu / Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
162	**Mehmet Özdemir**	26/12/1997	Diyarbakır		ECtHR Application No: 54169/00

163	**Mehmet Salih Demirhan**	01/01/1993 (**21**) Month and day unknown	Şırnak	Silopi / Görümlü Vlg.	Interview with Yusuf Demirhan / ECtHR Application No: 7524/06
164	**Mehmet Salih Akdeniz**	01/10/1993 (**2**) Day unknown	Diyarbakır	Kulp / Alaca Vlg.	ECtHR Application No: 23954/94
165	**Mehmet Salim Acar**	20/08/1994	Diyarbakır	Bismil / Ambar Vlg.	ECtHR Application No: 26307/95
166	**Mehmet Şerif Avar**	01/10/1993 (**2**) Day unknown	Diyarbakır	Kulp / Alaca Vlg.	ECtHR Application No: 23954/94
167	**Mehmet Şah Atala**	01/10/1993 (**2**) Day unknown	Diyarbakır	Kulp / Alaca Vlg.	ECtHR Application No: 23954/94
168	**Mehmet Şah Şeker**	09/10/1999	Diyarbakır	Bismil	ECtHR Application No: 52390/99
169	**Mehmet Şehit Avcı**	28/12/1999	İstanbul		Name mentioned in the event account cited in the ECtHR decision on İzzettin Yıldırım with Application number 29109/03.
170	**Mehmet Şerif Avşar**	22/04/1994	Diyarbakır		Diyarbakır 3. Criminal Court File Number: 2007/439 File - 2008/79 Decision
171	**Mehmet Tan**	15/12/1992	Irak	Zaho	Interview with Ahmet Tan / Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
172	**Mehmet Tanrıverdi**	06/05/1994	Diyarbakır	Lice	7. Army Corps Office of the Military Prosecutor File No: 2005/833
173	**Mehmet Toru**	23/04/1994	Şırnak	Güçlükonak / Koçyurdu Vlg.	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/546
174	**Mehmet Turay**	05/02/1994	Şırnak	Cizre	Petition of complaint dated 27 March 2009 presented to the Cizre Office of the Chief Public Prosecutor
175	**Metin Andaç**	31/03/1998	İzmir	Çeşme / Alaçatı	Petition presented to Istanbul Office of the Chief Public Prosecutor Inquiry No: 2007/1536
176	**Metin Can**	21/02/1993	Elazığ		Name mentioned in the event account cited in the ECtHR decision on Hasan Kaya with Application number 22535/93.
177	**Mikdat Özeken**	27/10/1995	Hakkari	Yüksekova / Ağaçlı Vlg.	ECtHR Application No: 31730/96
178	**Mirhaç Çelik**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03
179	**Mirze Ateş**	15/03/1994	Diyarbakır	Kulp / Konuklu Vlg. / Arık Hamlet	Diyarbakır State Security Court Office of the Chief Public Prosecutor Inquiry No: 1996/1621
180	**Muhsin Taş**	14/10/1993	Şırnak	Cizre	ECtHR Application No: 24396/94
181	**Mursal Zeyrek**	01/05/1994 (**17**) Day unknown	Şırnak	Silopi / Aktepe Vlg.	Interview with İslam Zeyrek / ECtHR Application No: 33100/04
182	**Mustafa Aydın**	01/01/1994 (**15**) Month and day unknown	Şırnak	Cizre	Diyarbakır 6. Criminal Court File No: 2009/470
183	**Münür (Münir) Aydın**	01/01/1988 (**1**) Month and day unknown	Şırnak	Silopi / Derebaşı Vlg.	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151

184	**Münür Sarıtaş**	27/10/1995	Hakkari	Yüksekova / Ağaçlı Vlg.	ECtHR Application No: 31730/96
185	**Naci Şengül**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03
186	**Nadir Nayci**	01/01/1993 Month and day unknown	Şırnak	Cizre / Kuştepe Vlg.	Interview with Ramazan Nayci / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/432
187	**Namık Erkek**	20/12/1992	Mersin		ECtHR Application No: 28637/95
188	**Nazım Babaoğlu**	12/03/1994	Şanlıurfa	Siverek	Interviews with Bayram Balcı and İrfan Babaoğlu
189	**Nedim Akyön**	02/11/1995 (5)	Mardin	Dargeçit	Dargeçit Office of the Chief Public Prosecutor Inquiry No: 1995/2
190	**Neslihan Uslu**	31/03/1998	İzmir	Çeşme / Alaçatı	Petition presented to Istanbul Office of the Chief Public Prosecutor Inquiry No: 2007/1536
191	**Nezir Acar**	08/04/1992	Mardin	Dargeçit	Interview with Mehmet Ali Acar, Cemile Acar and Halil Acar / Dargeçit Office of the Chief Public Prosecutor Inquiry No: 2006/5
192	**Nezir Tekçi**	01/04/1995 Day unknown	Hakkari	Yüksekova	Eskişehir 1. Criminal Court File No: 2011/299
193	**Nihat Aydoğan**	01/11/1994 Day unknown	Mardin	Midyat / Doğançay Vlg.	Interviews with Halime Aydoğan and Leyla Aydoğan
194	**Nurettin Erşek**	25/09/1994	Şırnak	İdil / Bereketli Vlg.	Interviews with Selamet Balica, Emine Balica and Kader Balica / İdil Office of the Chief Public Prosecutor Inquiry No: 2009/185
195	**Nurettin Yedigöl**	10/04/1981	İstanbul	-	Interview with Muzaffer Yedigöl / Istanbul Office of the Chief Public Prosecutor Inquiry No: 2012/43993
196	**Nusreddin Yerlikaya**	01/10/1993 (2) Day unknown	Diyarbakır	Kulp / Alaca Vlg.	ECtHR Application No: 23954/94
197	**Orhan Eren**	26/09/1997	Diyarbakır		ECtHR Application No: 57778/00
198	**Orhan Yakar**	17/11/1996	Bingöl		ECtHR Application No: 36189/97
199	**Osman Kayar**	01/11/1993 Day unknown	Şırnak	Silopi	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
200	**Osman Nuri Taşçı**	04/07/1987	Erzurum	Oltu	ECtHR Application No: 40787/10
201	**Ömer Candoruk**	06/03/1994	Şırnak	Cizre - Silopi Hwy.	Interviews with Hanım Candoruk and Mesut Candoruk / ECtHR Application No: 27872/03 / Diyarbakır 6. Criminal Court File No: 2009/470
202	**Ömer Fındık**	31/12/1995	Şırnak	Silopi / Doruklu Vlg.	Interviews with Sait Fındık and Bedia Fındık / ECtHR Application No: 33898/11 ve 35798/11 (Decision of inadmissibility)
203	**Ömer Kartal**	31/12/1995	Şırnak	Silopi / Doruklu Vlg.	Interview with Mehmet Kartal / ECtHR Application No: 33898/11 ve 35798/11 (Decision of inadmissibility)
204	**Ömer Savun**	07/05/1989	Şırnak	Güçlükonak	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/441

205	**Ömer Sulmaz**	01/01/1993 Day unknown	Şırnak	Cizre	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
206	**Önder (Ender) Toğcu (18)**	29/11/1994	Diyarbakır		ECtHR Application No: 27601/95
207	**Piro Ay**	17/05/1994	Mardin	Derik	Çorum 2. Criminal Court File No: 2013/50
208	**Ramazan Bilir**	01/01/1995 Month and day unknown	Şırnak		Interview with Güllü Bilir
209	**Ramazan Elçi**	01/02/1994 Day unknown	Şırnak	Cizre	Diyarbakır 6. Criminal Court File No: 2009/470
210	**Ramazan Özalp**	01/01/1993 Month and day unknown	Şırnak	Cizre	Official minutes dated 26 January 2009 signed in the presence of lawyers affiliated with the Şırnak Bar Association
211	**Ramazan Şarlı**	24/12/1993	Bitlis	Tatvan / Ulusoy Vlg.	ECtHR Application No: 24490/94
212	**Ramazan Yazıcı**	22/11/1996	Diyarbakır		ECtHR Application No: 48884/99
213	**Raşit Demirhan**	01/05/1994 Day unknown	Diyarbakır	Lice	Lice Office of the Chief Public Prosecutor Inquiry No: 1994/57 / ECtHR Application No: 987/02 (Decision of inadmissibility)
214	**Recai Aydın**	02/07/1994	Diyarbakır		Petition presented to Istanbul Office of the Chief Public Prosecutor Inquiry No: 2007/1536
215	**Resul Erdoğan**	23/04/1994	Şırnak	Güçlükonak / Koçyurdu Vlg.	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/546
216	**Reşit Eren**	01/01/1988 (**1**) Month and day unknown	Şırnak	Silopi / Derebaşı Vlg.	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
217	**Reşit Sevli**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03
218	**Rıdvan Karakoç**	01/03/1995 (**19**) Day unknown	İstanbul		Interview with Hasan Karakoç / Petition presented to Istanbul Office of the Chief Public Prosecutor Inquiry No: 2007/1536
219	**Sabri Akdoğan**	01/05/1994 Day unknown	Diyarbakır	Lice	Lice Office of the Chief Public Prosecutor Inquiry No: 1994/57 / ECtHR Application No: 987/02 (Decision of inadmissibility)
220	**Sabri Pulat (Polat) (7)**	01/10/1995 Day unknown	Şırnak	Silopi / Buğdaylı Vlg.	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
221	**Sadık Ulumaskan**	04/12/1997	Şanlıurfa		ECtHR Application No: 9785/02,17309/04, 22010/04 (Decision of inadmissibility)
222	**Sadun Bayan**	01/09/1988 (**1**) Day unknown	Şırnak	Silopi / Derebaşı Vlg.	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
223	**Salih Şengül**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03
224	**Salih Yusuf Tahir**	30/11/1995	Şırnak	Silopi	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
225	**Seddık Şengül**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hamlet	ECtHR Application No: 3598/03

226	**Selahattin Aşkan**	26/08/1996	Hakkari	Otluca Vlg.	ECtHR Application No: 24589/04
227	**Selahattin Bilen**	01/01/1995 Month and day unknown	Şırnak	Silopi	Interview with Hamit Bilen / Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
228	**Selami Çiçek**	10/06/1994 (**20**)	Şırnak	Cizre	Interview with Turan Çiçek / Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
229	**Selim Orhan**	24/05/1994	Diyarbakır	Kulp / Çağlayan Vlg. / Deveboyu Hamlet	ECtHR Application No: 25656/94
230	**Serdar Tanış**	25/01/2001	Şırnak	Silopi	Interviews with Şuayip Tanış and Mehdi Tanış / ECtHR Application No: 65899/01
231	**Servet İpek**	18/05/1994	Diyarbakır	Lice / Türeli Vlg. / Çaylarbaşı Hamlet	ECtHR Application No: 25760/94
232	**Seyhan Doğan**	02/11/1995 (**5**)	Mardin	Dargeçit	Interview with Hazni Doğan / Dargeçit Office of the Chief Public Prosecutor Inquiry No: 1995/2
233	**Seyithan Ulumaskan**	04/12/1997	Şanlıurfa		ECtHR Application No: 9785/02,17309/04, 22010/04 (Decision of inadmissibility)
234	**Seyithan Yolur**	18/05/1994	Diyarbakır	Lice / Türeli Vlg. / Çaylarbaşı Hamlet	Name mentioned in the event account cited in the ECtHR decision with Application number 25760/94 on İkram İpek and Servet İpek who were forcibly disappeared at the same time.
235	**Soner Gül**	01/01/1992 Month and day unknown	İstanbul		Interview with Feyyaz Yaman, brother of Hüsamettin Yaman who was forcibly disappeared at the same time / Istanbul Office of the Chief Public Prosecutor Inquiry No: 2011/71615
236	**Süleyman Durgut**	14/07/1994	Şırnak	Cizre	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
237	**Süleyman Halil Teli**	30/11/1995	Şırnak	Silopi	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
238	**Süleyman Gasyak**	06/03/1994	Şırnak	Cizre - Silopi Hwy.	Interview with Leyla Gasyak / ECtHR Application No: 27872/03 / Diyarbakır 6. Criminal Court File No: 2009/470
239	**Süleyman Seyhan**	30/10/1995 (**5**)	Mardin	Dargeçit	ECtHR Application No: 33384/96
240	**Süleyman Soysal**	29/11/1995	Şırnak	Silopi	Interview with Emin Soysal and Kamuran Soysal / Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
241	**Süleyman Şık**	01/01/1994 Month and day unknown	Şırnak	Silopi	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
242	**Süleyman Tekin**	26/08/1996	Hakkari	Otluca Vlg.	ECtHR Application No: 24589/04
243	**Şemdin Cülaz**	01/01/1993 (**21**) Month and day unknown	Şırnak	Silopi / Görümlü Vlg.	Interview with Kazım Cülaz and Haşim Cülaz / ECtHR Application No: 7524/06
244	**Şemsettin Yurtseven**	27/10/1995	Hakkari	Yüksekova / Ağaçlı Vlg.	ECtHR Application No: 31730/96
245	**Şeyhmuz Yavuz**	11/03/1994	Diyarbakır		ECtHR Application No: 48064/99 (Decision of inadmissibility)

246	**Tahir Koçu**	01/02/1993 Day unknown	Şırnak	Cizre / Dirsekli Vlg. / Kurtuluş Hamlet	Petition of complaint dated 25 March 2009 presented to the Cizre Office of the Chief Public Prosecutor / Official minutes dated 26 January 2009 signed in the presence of lawyers affiliated with the Şırnak Bar Association
247	**Tahir Macartay**	22/07/1993	Şırnak	İdil-Midyat Hwy.	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
248	**Tahsin Çiçek**	10/05/1994	Diyarbakır	Lice / Dernek Vlg.	ECtHR Application No: 25704/04
249	**Talat Türkoğlu**	01/04/1996	Edirne		ECtHR Application No: 34506/97
250	**Tevfik Timurtaş**	29/12/1990	Şırnak	Cizre	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
251	**Tolga Baykal Ceylan**	10/08/2004	Kırklareli	İğneada	The Grand National Assembly of Turkey, Human Rights Investigation Committee's Subcommittee for the Investigation of the Fate of People Allegedly Disappeared Whilst In Custody on the Basis of the Disappearance Case of Tolga Baykal Ceylan, the "Tolga Baykal Ceyhan" Report
252	**Turan Demir**	01/10/1993 (2) Day unknown	Diyarbakır	Kulp / Alaca Vlg.	ECtHR Application No: 23954/94
253	**Ümit Taş**	01/10/1993 (2) Day unknown	Diyarbakır	Kulp / Alaca Vlg.	ECtHR Application No: 23954/94
254	**Üzeyir Arzık**	01/01/1988 (1) Month and day unknown	Şırnak	Silopi / Derebaşı Vlg.	Silopi Office of the Chief Public Prosecutor Inquiry No: 2008/3151
255	**Üzeyir Kurt**	25/11/1993	Diyarbakır	Bismil / Ağıllı Vlg.	ECtHR Application No: 15/1997/799/1002
256	**Veysi Başar**	22/07/1993	Şırnak	İdil-Midyat Hwy.	Cizre Office of the Chief Public Prosecutor Inquiry No: 2009/430
257	**Yahya Akman**	06/03/1994	Şırnak	Cizre - Silopi Hwy.	Interviews with relatives of Süleyman Gasyak and Ömer Candoruk who were forcibly disappeared together -Süleyman Gasyak's wife Leyla Gasyak and Ömer Candoruk's wife Hanım Candoruk and son Mesut Candoruk / ECtHR Application No : 27872/03 / Diyarbakır 6. Criminal Court File No :2009/470
258	**Yusuf Çelik**	24/07/1994	Hakkari	Şemdinli / Ortaklar Vlg. / Ormancık Hmt.	ECtHR Application No: 3598/03
259	**Yusuf Kalenderoğlu**	22/02/1995	Şırnak	Silopi	Interview with Şahin Kalenderoğlu / Official minutes dated 26 January 2009 signed in the presence of lawyers affiliated with the Şırnak Bar Association
260	**Yusuf Nergiz**	03/10/1997	Diyarbakır	Kulp / Zeyrek Vlg.	ECtHR Application No: 39979/98 (Decision of inadmissibility)
261	**Zeki Diril**	13/05/1994	Şırnak	Beytüşşebap	ECtHR Application No: 68188/01
262	**Zozan Eren**	26/09/1997	Diyarbakır		ECtHR Application No: 57778/00

(1) Abbas Çiğden, Üzeyir Arzık, Feyzi Bayan, Sadun Bayan, Münür (Münir) Aydın and Reşit Eren were disappeared at the same time. Our only sources regarding this group disappearance are the petitions of complaint presented by relatives of the disappeared, and the official minutes held in the presence of lawyers. We registered the various dates presented by relatives of the disappeared in these different official minutes and petitions, and this is why there appear to be contradictory dates for this group disappearance.

(2) Abdo Yamuk, Bahri Şimşek, Behçet Tutuş, Celil Aydoğdu, Hasan Avar, Mehmet Salih Akdeniz, Mehmet Şerif Avar, Mehmet Şah Atala, Nusreddin Yerlikaya, Turan Demir and Ümit Taş were detained and disappeared in an operation carried out from 9 to 11 October 1993.

(3) The date of disappearance was not stated clearly in the interview we carried out with Atike Tanrıverdi and İdris Tanrıverdi. The date is stated in Abdurrahim Tanrıverdi's petition dated 1993 as April 10, and in the Cizre Chief Public Prosecutor's Office's Decision of Non-Jurisdiction as April 9. The body of the disappeared was found on 17 April.

(4) Zekiye Kalkan gave the date of her husband's disappearance as May 92, 93 or 94. The notes she kept stated the year as 1992, so the date of disappearance was recorded as 1992.

(5) We record here the various dates provided by the relatives of the disappeared who recounted their version of the same event in Inquiry File No: 1995/2 of the Dargeçit Chief Prosecutor's Office, this is why there appear to be contradictory dates for this group disappearance.

(6) The body of Abdurrahman Yılmaz was found on 14 February 1994. Some documents in the source legal file state that he was missing for 5-6 days, whereas another document states the date of disappearance as 6-7 February.

(7) Both surnames are given in the source legal file.

(8) The date of disappearance was given as April 1993 in the interview we carried out with Vedat Bulmuş.

(9) The location of enforced disappearance is not definite in the source legal file, but it was registered as Silopi since a demand for a DNA test was presented for bones found in the Silopi area.

(10) Enver Akan had actually set out to go to Midyat on that day, however, since he was last seen in Mardin-Dargeçit, it was recorded as thus.

(11) The source legal file registers the date of disappearance as April 1994 in one passage, and May 1994 in another.

(12) The date of disappearance was given as 6 November 1996 in the interview we carried out with Çetin Birlik. The date is provided as 7 November 1996 in the petition of Hatice Çağlı, the wife of Mehmet Bilgeç who was disappeared at the same time.

(13) Osman Ünver, who filed the petition, states that Hazım Ünver went to Iraq on the day of the disappearance, but that he later found out that an exit record in his name exists at the Iraqi customs. Therefore, the place of disappearance was recorded as Silopi.

(14) The date of disappearance was given as 1990 in the interview we carried out with Musa Soysal.

(15) In source legal files the date is given as July, August and September in different places.

(16) The date of disappearance was given as 1997 in the interview we carried out with Mustafa Mungan.

(17) The date of disappearance was given as 26 June 1994 in the interview we carried out with İslam Zeyrek, and in the petition of complaint. In our source legal file from the ECtHR the date is recorded as, 'Mursal Zeyrek received his conscription papers on 26 May, and one or two days later he was disappeared'.

(18) Since both Ender and Önder are stated as the name of the individual in the source ECtHR application, and because of the note stating 'the name Ender will be used for consistency', both names have been recorded here.

(19) In the interview we carried out with Hasan Karakoç, he stated that Rıdvan Karakoç last called them on February 20.

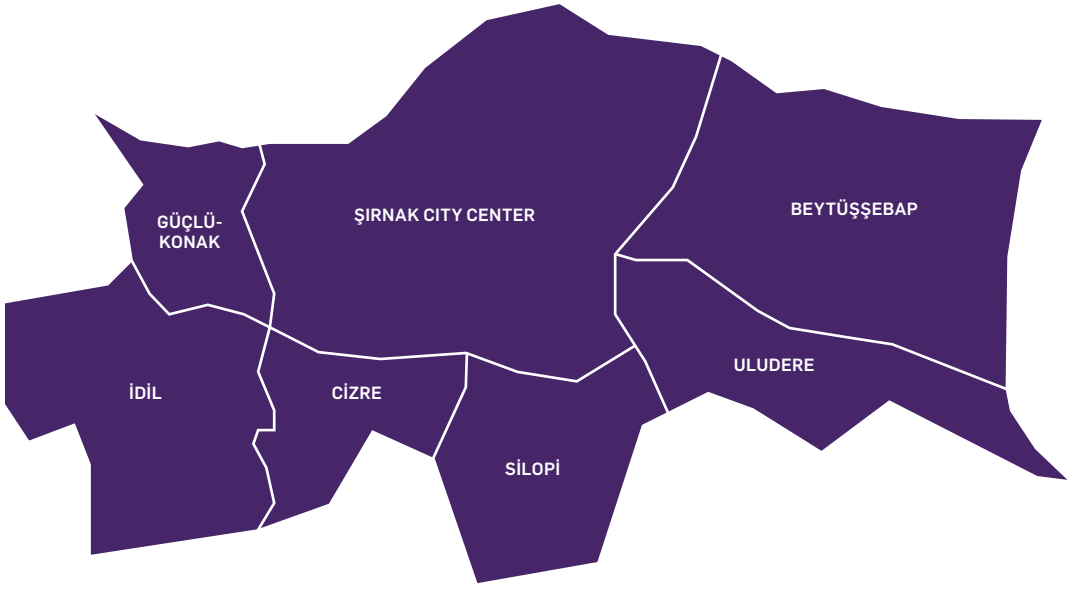
(20) The date of disappearance was given as 1993 in the interview we carried out with Turan Çiçek.

(21) Şemdin Cülaz, Halit Özdemir, Mehmet Salih Demirhan, İbrahim Akıl, Hükmet Şimşek and Hamdo Şimşek were disappeared at the same time. There is a different ECtHR application for Hükmet and Hamdo Şimşek dated 2010 that requests the merging of the application with the application made regarding Ş.Cülaz, H.Özdemir, M.S. Demirhan and İ.Akıl in 2006. No decision has been made in either ECtHR case as of yet. However, the ECtHR has decided to merge the applications. As for the date of disappearance, both ECtHR applications state the date as 14 May 1993 or 14 June 1993.

(22) The date of disappearance was given as 18 May 1992 in the interview we carried out with Feyyaz Yaman.

(23) The date stated in the source legal file varies, however accounts of the event recount that Hasan Baykura was disappeared one or two days after the attack on Kamil Atak's home (December 1993).

ŞIRNAK PROVINCIAL MAP



NOTES

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One of the foremost obstacles in the path of Turkey's process of democratization is the fact that systematic and widespread human rights violations are not held to account, and victims of unjust treatments are not acknowledged and compensated. Truth Justice Memory Center contributes to the construction of a democratic, just and peaceful present day society by supporting the exposure of systematic and widespread human rights violations that took place in the past with documentary evidence, the reinforcement of social memory, and the improvement of access to justice for those who were subjected to these violations.

As the Truth Justice Memory Center, we aim to,

- **Carry out documentation work regarding human rights violations that have taken place in the past, to publish and disseminate the data obtained, and to demand the acknowledgement of these violations;**

- **Form archives and databases for the use of various sections of society;**

- **Follow court cases where crimes against humanity are brought to trial and to carry out analyses and develop proposals to end the impunity of public officials;**

- **Contribute to society learning the truths about systematic and widespread human rights violations, and their reasons and outcomes; and to the adoption of a "Never Again" attitude, by establishing a link between these violations and the present day;**

- **Support the work of civil society organizations that continue to work on human rights violations that have taken place in the past, and reinforce the communication and collaboration between these organizations;**

- **Share experiences formed in different parts of the world regarding transitional justice mechanisms, and initiate debates on Turkey's transition period.**

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